Message

From: Anderson, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E55253A3603D4A568ED6D1AF67D67896-ANDERSON, L]

Sent: 1/25/2016 8:18:12 PM

To: Coopersmith, Geralyn [geralyn.coopersmith@nike.com]

CC: Anderson, Lauren [lauren.anderson@nike.com]

Subject: HELP - Talking points

SO, meeting at 1 w HR. Here are my talking points. Trying to be unemotional. Still grouchy

I feel like the 2 biggies they sited in generic bucket of "things I wasn't doing at E-Band level"

- 1. Being strategic
- 2. Forming cohesive team
- 3. Being visible to Sr. Leadership / driving the business
- 1. I have Established, socialized and implemented and entriely new process. There was never one for this group so never had guidance. This involved setting vision and strategy. WE moved all account management to RB. Aligned with their game plan. Reset account expectations. EM has just recently said they are going to adopt a lot of our process for how they run their wholesale business
- 2. no modeling or leadership direction as to whom I would be interacting with. My regular interaction is with Category Sales Directors (CSD's), Category Leadership, RB Sr. Directors and Strategic Account Directors (sales SAD's). Danny basically shut me out and never cared to engage on this part of business.
- 3. career paths: never had formal CFE / IDP. Didn't know the process or expectations from E-band level.. Asked for help. Numerous times on everything from employee rating to CFE. Danny took over and despite asks for input. Just did himself
- 4. team chemistry. All the reorg didn't allow for this. Not fully staffed. Wasn't allowed to hire. Had difficulty w HR recruiting. Team did, then didn't, then did, then didn't report to me. All this year. All the back and forth undermined all trust and leadership I had established.
- 5. how was I supposed to succeed? Given No direction. No expectations. No knowledge of problem. Feel like it was a Witch hunt since he came in. (he tried to deband me off the top. I think he has others in mind that he has worked with in past and wants to bring on get it but was never given a chance. He never cared to learn or hear about my back ground) He was never avail no time or conversation w him about larger vision on WS except it was clear he doesn't know what is needed to support. Nor does he seem to care abt supporting WS.
- made very clear that I reported to Kelly. Only director not at his staff meeting. Kelly removed my weekly staff and took over. Never included in agenda. Isn't available for me. No expectation and one comment about my style. Which was odd and out of context. She invited herself to my Macys meetign in NYC, no reason to be there. And then she stepped in to Nordstrom meetings last week apparently Danny was invited and he told her to go. When I told her I was going she told me not to go. All very odd. Again, a little communication goes a long way.
- -Cindy king problems. The EastBay meeting she got all worked up about... It was THEIR meeting to present their dig strategy to Nike. We had already presented our strategy and there was not alignment. That meeting was designed to hear their plans since they felt we as a TEAM were forcing a strategy in them that the disagreed with. It was intended as a moment to listen and then adjust following the meeting

My confidence is at an all time low. Im trying to be super adult, happy face, acting like nothing is wrong but I seriously wanna punch some people

:) assume all this can go in a follow up – better crafted after my meeting??

Exhibit 0193

Davis Decl. Exhibit 66, Page 1 of 2

Confidential NIKE_00030026

Sent from my iPhone

Davis Decl. Exhibit 66, Page 2 of 2

NIKE-18-03-0071

CONFIDENTIAL MEMORANDUM

Report Initiated 2018-03-22 11:32 ET **Primary Priority** С

Scheduled Follow-up

Current Status Source Web Submission New

Case Opened Awareness Resource Co-worker

Case Closed Language English

Documented by WEBALLEGATIONSUBMIT Days Open N/A

Allegation Class **Priority Primary**

C Inappropriate Behavior **Employee Relations** Yes

Location Location Geography **Location Function**

Location Provided by Caller

Seattle Off Site

Job Title Description **Parties Involved Party Type**

Lauren Anderson Caller

Home (503) 807-7634

lauren.anderson@nike.com

Subject Sr Director

promoted to VP

Witness Director

Witness co-worker at time,

manager

Issue Summary

Our Sr Director / leader exhibited extremely inappropriate behavior at off site Oct 2015. This incident was not the first, but it certainly was the most extreme.

Issue Details

Exhibit 0206

Oct 2015 the entire digital brand group was in Seattle for an offsite. After a day of working we had dinner and then were out as a group having drinks. Hindsight being what it is, I should have just gone in for the night. But the culture of the group was such that the "boys" all had an in with and since I had been de-banded earlier in the year (another topic entirely, which has been raised again with HR) I felt that my career and future opportunities would be limited if I did not go out.									
During the evening our group was sitting around low tables, and ended up standing in front of me, crotch in my face, and made a comment about "sucking his dick". The entire group who was present didnt exactly know what to do, nor did I. I did not feel comfortable going to HR with this due to the lack of help with the issues with my position earlier in the year. There was no trust and I didnt want to get labeled as a trouble maker. Past history showed that HR Tyler Allen had gone right to when I had concerns, and there was no feeling of trust or confidentially. Didnt know where to go outside of that.									
Kelly Cahill is also a witness to this, she has since left	t Nike but she was my m	nanager at the time	of incident.						
Are you an employee of Nike? Yes									
Additional Questions	Answers								
Which Nike Company do you work for?	NIKE								
Communication with Reporter									
No Communications found for this call report.									
Assignee Assignment Type O No Assignment found for this call report.	Complete/Removed	Date Assigned	Assigner						
Assignment Notes No Case Assignment Notes found for this call report.		Date Entered	Entered By						
Investigation Notes Date Entered No Case Investigation Notes found for this call report.	Entered By								
Resolution Details									
No Resolution found for this call report.									
Attachments File Name No Case Upload Files found for this call report.	Date Added	l	Uploaded By						
Distribution Name	Job Title								

Davis Decl. Exhibit 67, Page 2 of 3

Ann Miller Brenda Parrett

Director, AAP and Compliance

John Coburn* Legal Counsel
Rob Leinwand Legal Counsel

*Client agrees and understands that NAVEX Global neither warrants, vouches for, nor authenticates the reliability of the allegations provided in this report. Client agrees that it shall have the sole responsibility for investigating or otherwise evaluating these allegations and other information provided and to comply with all local, state and federal laws pertaining to the investigation and protection of such information, as well as the protection of all rights of any person or persons accused of any wrongdoing.

Subject: Re: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Date: Thursday, April 5, 2018 at 11:06:50 AM Pacific Daylight Time

From: Nunez, Jennifer (ETW)

To: Anderson, Lauren, Villamor, Myra (ETW)

Lauren,

Apologies for not being able to give you the responses you're looking for but the ongoing investigation is confidential. We are letting the people who have voiced concerns know when we are reaching out to the people who they have concerns about for a couple of reasons.

In the event that you hear anything from the person you voiced concerns about, that might violate Nike's non-retaliation policy and we would want to know immediately. Again -- at this time we can't provide any further information but we do appreciate you bringing your concerns forward.

I look forward to speaking to you tomorrow morning and please let me know if you have any further questions.

Jennifer

From: Anderson, Lauren

Sent: Thursday, April 5, 2018 9:56:37 AM **To:** Nunez, Jennifer (ETW); Villamor, Myra (ETW)

Subject: Re: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Best number is 503 807 7634. I am really nervous about this discussion you are planning to have with him. I no longer work for him but know he is networked, he will know this is me and I am not psyched about how this could impact my career and future.

When I did work for him and I went to HR with concerns, he came right back at me. What guarantees do I have that this will not happen again – in ways that I cannot track be we are in different parts of the org?

From: "Nunez, Jennifer (ETW)" < Jennifer.Nunez@nike.com >

Date: Thursday, April 5, 2018 at 9:22 AM

To: Lauren Anderson < Lauren. Anderson@nike.com >, "Villamor, Myra (ETW)"

<<u>Myra.Villamor@nike.com</u>>

Subject: Re: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Exhibit 0207

Good Morning, Lauren,

I am available tomorrow at 9:00 a.m. and can give you a call then. Is 503-671-4589 the best number to reach you on?

We did just want to let you know that we are going to be reaching out to contain the coday and scheduling a discussion. Let me know immediately if you hear anything from anyone, or perceive any changes as our discussions proceed. Remember that Nike has a no Retaliation Policy. If you feel you

Page 1 of 3

are being impacted for reporting or discussing issues, please contact me immediately via my phone number (971-470-8103) or email.

Thank you,

Jennifer

From: Anderson, Lauren

Sent: Thursday, April 5, 2018 9:09:01 AM

To: Villamor, Myra (ETW) **Cc:** Nunez, Jennifer (ETW)

Subject: Re: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Hi, I am not avail today, would be avail tomorrow morning 9-10am tho

From: "Villamor, Myra (ETW)" < Myra.Villamor@nike.com>

Date: Thursday, April 5, 2018 at 9:04 AM

To: Lauren Anderson < <u>Lauren.Anderson@nike.com</u>> **Cc:** "Nunez, Jennifer (ETW)" < <u>Jennifer.Nunez@nike.com</u>>

Subject: Re: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Hi Lauren,

My colleague, Jennifer, cc'd on this email, will be reaching out to you to schedule a call for today. Please let us know when you're available.

Thanks, Myra

From: Villamor, Myra (ETW)

Sent: Tuesday, April 3, 2018 5:00:09 PM

To: Anderson, Lauren

Subject: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Hi Lauren,

My name is Myra Villamor and I am the member of the Matter of Respect Team who will look into the concerns you raised. Although I have a Nike email and dedicated phone number, I am with an outside firm that Nike has retained to assist in this matter. We are going through the information you provided and gathering more to look into the issues. As a part of our process, we may reach out to you and to others to ask questions. If you have any concerns about this, please let me know as soon as you can.

Going forward, please send any other questions directly to me. Nike encourages all individuals to *Do The Right Thing* by reporting misconduct and takes reports seriously. Finally, I want to remind you that Nike has a no Retaliation Policy. If you feel you are being impacted for reporting something, please contact me immediately via this email address.

Regards,

Page 2 of 3

Myra

Re: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Anderson, Lauren

Mon 8/6/2018 8:32 AM

To:Nunez, Jennifer (ETW) < Jennifer.Nunez@nike.com>;

Thank you!

From: "Nunez, Jennifer (ETW)" < Jennifer.Nunez@nike.com>

Date: Friday, August 3, 2018 at 4:18 PM

To: Lauren Anderson < Lauren. Anderson@nike.com>

Subject: PERSONAL AND CONFIDENTIAL - TO BE OPENED BY RECIPIENT ONLY

Hi Lauren,

I just tried reaching you on your phone. I wanted to thank you again for speaking with me and voicing your concerns through the Matter of Respect process. When we last spoke, I shared with you that someone would be reaching out to you once the Matter of Respect investigation concluded. We appreciate your patience while we worked through the issues. We are now finished reviewing the issues you raised and have shared our findings with the appropriate individuals within Nike.

At this time, we would like to let you know that steps have been taken to address your concerns. As you can imagine, not all steps are visible to other employees, but the complained-about behavior should stop. I am sure that you understand that we do not disclose details regarding specific corrective action provided to another employee, however, we do believe that the steps taken will resolve this matter.

If the conduct about which you complained continues, or if you believe that you have been subjected to retaliation of any sort, please contact the Matter of Respect email box immediately, at matterofrespect@nike.com or the Matter of Respect Hotline at 503-532-4444. As my work with the Matter of Respect Team will be winding down soon, it's best to use the Matter of Respect approach going forward to make sure any future concerns are received and addressed.

Regards,

Jennifer



Job Title
Director, Information Risk Management- CIS (00218215)

Phillips, Samantha G. (8656293) applied for job: Director, Information Risk Management- CIS (00218215)

StepLatest Submission MediumRecruiterHiredResumeSheryl CoulterStatusSourceHiring ManagerReady to HireOtherShane Thornley

Creation Date Submission Type

Jun 8, 2015 External

Attachments

Resume

Work Experience 1

Candidate Personal Information First Name Last Name Middle Name Samantha Phillips G. Anonymous Address (line 1) City 724 Oregon Ave San Mateo Zip/Postal Code 94402 Home Phone Number 650-218-3626 Place of Residence United States > California Email Address samanthagphillips@gmail.com Internal Candidate Scout Information Work Experience

Davis Decl. Exhibit 70, Page 1 of 11

EXHIBIT

0053

Confidential NIKE_00013195

Candidate Name Phillips, Samantha G. (8656293)	Director, Information Risk Management- CIS (00218215)
Current Job	
Other Employer EBAY INC	
Other Function Director, Information Security	
Start Date Jan, 2013	End Date Jan, 2015
CISO to develop a comprehensive Global IAM s senior leadership to align strategy and goals with matrixed team members across the globe. Mana deployed one IAM solution architecture across a feedback from 40 key stakeholders, identified ov a technology solution with Oracle. Achieved Cand implementation strategy during eBay data b biggest-data-breaches-hacks/ Obtained multi-mishowcasing IAM business ROI on business procyalidate SOX compliance. Cultivated a succession Oracle Chief Security Officer Advisory Board, proand ability to influence future product requirement which resulted in developing a change managen	d sell anything, anywhere, anytime GRC & IAM Tapped by CIO and trategy, governance framework, and roadmap. Worked closely with horganizational vision. Built and led teams of direct reports as well as aged \$8 million budget. Designed an IAM strategy that aligned and all of eBay and its subsidiaries for the first time in eight years. Based on ver 300 business pain points, leading to the selection and negotiation Suite endorsement of three- year multi-million dollar IAM roadmap reach. http://www.informationisbeautiful.net/visualizations/worlds-llion dollar IAM funding commitments from multiple business units while tess improvement and security risk mitigation and ability to efficiently ful partnership with Oracle which led to invitation to represent eBay on oviding access to Oracle C- Suite, Industry Best Practice Benchmarking, ints. Baselined existing eBay processes for joiner, mover, and leader ment roadmap for application onboarding and RBAC model. Developed all Program to be rebranded as Secure Access program.
Work Experience 2	
Current Job	
Other Employer SEQUENT SOFTWARE INC	
Start Date Jan, 2010	End Date Jan, 2013
May we contact the supervisor?	
Service Management services, Risk & Compliar responsibility as the company grew. Set up interfor highly complicated mobile payment eco-systemsured alignment with PCI, GP, and NFC standinternal and external audits and supply chain recagreements significantly reducing external legal round series funding. Mitigated supply chain risk	nobile payments secure element management software and Trusted noce. As the sixth employee in the company, assumed roles of increasing nal corporate structure and developed a risk and compliance framework tem. Developed and implemented corporate policy framework that lards and global regulations for US, CA, EU, and AP. Led efforts for quired certifications. Reviewed and co- negotiated all legal contractual fees. Compiled Sequent due diligence documents for successful A&B k by acquiring assets and software license rights to largest Sequent doubled the company and tripled the revenue through the assigned
Work Experience 3	
Current Job	

Davis Decl. Exhibit 70, Page 2 of 11

Candidate	Name		
Phillips,	Samantha	G.	(8656293)

Job Title
Director, Information Risk Management- CIS (00218215)

Other Employer VISA INC	
Start Date Jan, 2005	End Date Jan, 2010
May we contact the supervisor?	

Achievements

Visa- Everywhere You Want To Be Enterprise Risk Management (ERM), Senior Business Leader Led the implementation of Global ERM practices based on COSO, while concurrently leading the Global Product Risk Team with a \$5 million annual budget and additional matrix teams to assess all new or enhanced product or service offerings. Identified gaps in legacy Visa Compliance programs such as outlining over- the- air (OTA) chip personalization security requirements and aligned practices with existing payment associations 'chip security requirements for mobile transactions. During \$13 million Monitise product negotiation, identified corporate gaps which led to development of Joint Venture / M&A integration strategies that ensured continued success in meeting projected revenue objectives. Based on Visa's business needs, identified appropriate GRC Tool and built roadmap for module deployment that enabled business to better monitor its enterprise risk. Piloted Bayesian decision tree model which resulted in early identification and preparation to prevent Visa from being locked out of the Russian market. Developed and implemented globally consistent product risk assessment processes and policies that led to the development and launch of transparent Global Risk Assessment software application which effectively reduced review times from two to six months down to two weeks. Embedded ERM within product innovation teams to provide early assessment and mitigation development in Mobile, Money Transfer, ecommerce, Chip, and Prepaid product development, and third-party strategic alliances which led to being named on two patents and mitigating potential million dollar risk.

Education

Education 1

Education

Other Program

POLITICAL SCIENCES

Education Level (Achieved)
Bachelor's Degree (±16 years)

Graduation Date Jan, 1992

Account Information

Account Status Not Locked

User Name 8656293

Prescreening

Disqualification Questions

Question	Answer	Result			
 Are you at least 18 years of 					
1. Are you at least 16 years of	-				
· · · · · · · · · · · · · · · · · · ·					
age?					
202					
aue:					
3					
T C: I - A		<u> </u>			
IVne' Single Answer					
Type: Single Answer					
J1 3					

Davis Decl. Exhibit 70, Page 3 of 11

Confidential

Job Title Director, Information Risk Management- CIS (00218215)

2. Have you ever been employed by Nike or one of Nike 's Affiliates? (Converse, Hurley) Type: Single Answer	-	-	
3. I acknowledge that where legally permissible I may be asked to consent to a background and reference check for the position, which will be conducted in accordance with applicable laws and the Nike Applicant Background & Reference Checks Policy. Type: Single Answer	-		
Please select your current work authorization status: Type: Single Answer	-	-	

Prescreening Questionnaire

Question	Answer	Required/Asset	Result
I have the following combination of education and/or professional	Bachelor's degree and a minimum of 5 years' relevant experience	-	0/0
experience in IT, Business or a related field:	Master's degree and a minimum of 4 years' relevant experience		0/0
Type: Single Answer	Associates' degree and a minimum of 6 years' relevant experience		0/0
	No degree with minimum of 7 years' relevant experience	-	0/0
	None of the above		0/0
	Result for question:		0/0
2. I have completed or am in the process of completing the following certifications (check all that apply): Type: Multiple Answers	Certified Information Systems Security Professional (CISSP)	-	0/0
	Cisco Certified Network Associate (CCNA)		0/0
	Certified Information Security Auditor (CISA)	-	0/0
	Certified Ethical Hacker (C EH)		0/0
	Global Information Assurance Certification (GIAC)		0/0
	GIAC Penetration Tester (GPEN)	-	0/0
	Offensive Security Certified Professional (OSCP)		0/0
	Offensive Security Certified Expert (OSCE)	-	0/0
	Certified Penetration Tester (CPT)	-	0/0
	None of the above	-	0/0
	Result for question:		0/0

Job Title Director, Information Risk Management- CIS (00218215)

3. I have the following number of	No experience	-	0/0
years experience in Information Security:	Less than 2 years	_	0/0
Type: Single Answer	Between 2 - 5 years	-	0/0
	Between 5 - 8 years	-	0/0
	Between 8 - 10 years	_	0/0
	More than 10 years	_	0/0
	Result for question:		0/0
4. I am willing to relocate to the	Yes	-	0/0
Portland, OR metro area. Type: Single Answer	No	_	0/0
Type. Single / Hiswel	I already reside in the Portland, OR metro area	-	0/0
	Result for question:		0/0
		Required 0/3 Assets 0/0	0%

Profile

Basic Profile

Currency US Dollar (USD)

Employment Preferences

Job Field

Function				Family				
Technology								

Organization

Line of Business	Division 1 Division 2	
Nike	Corporate	

Location

Country	State/Province		City			
United States	Oregon					

Submission Medium

Original Submission Medium	Latest Submission Medium
Resume	Resume

Source Tracking

General

Davis Decl. Exhibit 70, Page 5 of 11

Job Title Director, Information Risk Management- CIS (00218215)

Other

Specific Other

History

Date 00218215 (Director, Ir	Events nformation Risk Managem	Details ent- CIS)	Comments	Ву
Jun 17, 2015 2:20 PM	Correspondence sent	USTA Relocation Auth orization - Domestic - Relocation Authorizati on - Dom (Samantha G. Phillips) - TECHNO LOGY		Christopher Camp
Jun 17, 2015 2:19 PM	Correspondence sent	USTA Offer Confirmat ion Band E-S Externa I - Welcome! - REVIS ED		Christopher Camp
Jun 16, 2015 11:16 AM	Correspondence sent	HR Direct Offer Letter Notification - USA: O ffer Letter Request: N ew Hire; Req#: 00218 215; Candidate: 8656 293		System
Jun 16, 2015 11:16 AM	Correspondence sent	HR Direct: Hire Notific ation US - USA: New Hire: Effective Date: June 22, 2015: 86562 93		System
Jun 16, 2015 11:10 AM	Status changed to Ready to Hire in step Hired	Event date: Jun 16, 2015, 11:14 AM		Sheryl Coulter
Jun 16, 2015 11:10 AM	Moved to step Hired	Event date: Jun 16, 2015, 11:14 AM		Sheryl Coulter
Jun 16, 2015 11:10 AM	Hired	Start Date: Jun 22, 2015, 11:00:00 AM (UTC -5:00) Eastern Time - Montreal, New York, Washington D.C., Event date: Jun 16, 2015, 11:10 AM		Sheryl Coulter
Jun 16, 2015 11:10 AM	Offer 2 - Accepted	Event Date: Jun 16, 2015, 11:13 AM	Candidate will be starting on June 22nd, but not relocating here until July. Please have Cartus call her to start and talk about relocation process.	Sheryl Coulter
Jun 16, 2015 11:09 AM	Offer 2 - Extended (Verbally)	Event Date: Jun 16, 2015, 11:13 AM		Sheryl Coulter

Davis Decl. Exhibit 70, Page 6 of 11

Job Title Director, Information Risk Management- CIS (00218215)

Doto	Evente	Dataila	Commonto	D.
Date	Events	Details	Comments	Ву
Jun 16, 2015 11:09 AM	Offer 2 - Created		She is starting on June 22nd, but not relocating until July. Please have Cartus call her to talk through relocation package. Please also include the 40K Sign on bonus.	Sheryl Coulter
Jun 16, 2015 11:09 AM	Offer 2 - The offer letter has been replaced. See the link in "Details" column.	USTA Offer Confirmation Band E- S External - Welcome!		Sheryl Coulter
Jun 16, 2015 11:06 AM	Revert		Moved too far. Need to update offer letter.	Sheryl Coulter
Jun 16, 2015 10:59 AM	Status changed to Rejected in step Offer	Event date: Jun 16, 2015, 11:03 AM		Sheryl Coulter
Jun 16, 2015 10:59 AM	Offer 1 - Rescinded		Need to update start date and add on sign on bonus	Sheryl Coulter
Jun 16, 2015 10:59 AM	Revert		Need to update start date and add on sign on bonus	Sheryl Coulter
Jun 12, 2015 12:17 PM	Correspondence sent	USTA Relocation Auth orization - Domestic - Relocation Authorizati on - Dom (Samantha G. Phillips) - TECHNO LOGY		Christopher Camp
Jun 12, 2015 12:15 PM	Correspondence sent	USTA Offer Confirmat ion Band E-S External - Welcome!		Christopher Camp
Jun 9, 2015 11:08 AM	Moved to step Hired	Event date: Jun 9, 2015, 11:11 AM		Sheryl Coulter
Jun 9, 2015 11:08 AM	Status changed to Ready to Hire in step Hired	Event date: Jun 9, 2015, 11:11 AM		Sheryl Coulter
Jun 9, 2015 11:08 AM	Moved to step Post- Offer Activities	Event date: Jun 9, 2015, 11:11 AM		Sheryl Coulter
Jun 9, 2015 11:08 AM	Status changed to Post-Offer Activities Complete in step Post- Offer Activities	Event date: Jun 9, 2015, 11:11 AM		Sheryl Coulter
Jun 9, 2015 11:10 AM	Correspondence sent	HR Direct Offer Letter Notification - USA: O ffer Letter Request: N ew Hire; Req#: 00218 215; Candidate: 8656 293		System

Job Title Director, Information Risk Management- CIS (00218215)

Date	Events	Details	Comments	Rv
			Comments	By
Jun 9, 2015 11:10 AM	Correspondence sent	HR Direct: Hire Notific ation US - USA: New Hire: Effective Date: June 22, 2015: 86562 93		System
Jun 9, 2015 11:08 AM	Hired	Start Date: Jun 22, 2015, 11:00:00 AM (UTC -5:00) Eastern Time - Montreal, New York, Washington D.C., Event date: Jun 9, 2015, 11:08 AM		Sheryl Coulter
Jun 9, 2015 11:07 AM	Offer 1 - Accepted	Event Date: Jun 9, 2015, 11:11 AM		Sheryl Coulter
Jun 9, 2015 11:07 AM	Offer 1 - Extended (Verbally)	Event Date: Jun 9, 2015, 11:11 AM		Sheryl Coulter
Jun 8, 2015 12:33 PM	Status changed to Offer to be made in step Offer	Event date: Jun 8, 2015, 12:36 PM		Sheryl Coulter
Jun 8, 2015 12:33 PM	Moved to step Offer	Event date: Jun 8, 2015, 12:36 PM		Sheryl Coulter
Jun 8, 2015 12:33 PM	Status changed to Pre-Offer Activities Complete in step Pre- Offer Activities	Event date: Jun 8, 2015, 12:36 PM		Sheryl Coulter
Jun 8, 2015 12:34 PM	Offer 1 - Created			Sheryl Coulter
Jun 8, 2015 12:33 PM	Status changed to Pre-Offer Activities Pending in step Pre- Offer Activities	Event date: Jun 8, 2015, 12:33 PM		Sheryl Coulter
Jun 8, 2015 12:33 PM	Moved to step Pre- Offer Activities	Event date: Jun 8, 2015, 12:33 PM		Sheryl Coulter
Jun 8, 2015 12:32 PM	Status changed to Finalist Candidate in step Interviews	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter
Jun 8, 2015 12:32 PM	Status changed to Awaiting Manager Review in step Interviews	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter
Jun 8, 2015 12:32 PM	Moved to step Interviews	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter
Jun 8, 2015 12:32 PM	Status changed to Review Completed - Fwd to Manager/ Interview in step Initial Screen	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter

Job Title Director, Information Risk Management- CIS (00218215)

Date	Events	Details	Comments	Ву
Jun 8, 2015 12:32 PM	Status changed to Review Pending in step Initial Screen	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter
Jun 8, 2015 12:32 PM	Moved to step Initial Screen	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter
Jun 8, 2015 12:32 PM	Status changed to Meets Minimum Requirements in step New	Event date: Jun 8, 2015, 12:32 PM		Sheryl Coulter
Jun 8, 2015 12:31 PM	Work experience - Updated	Work experience before change: Director, Information Security; EBAY INC; 01/2013 - 01/2015		Sheryl Coulter
Jun 8, 2015 12:31 PM	Work experience - Updated	Work experience before change: SEQUENT SOFTWARE INC; 01/2010 - 01/2013		Sheryl Coulter
Jun 8, 2015 12:31 PM	Work experience - Updated	Work experience before change: VISA INC; 01/2005 - 01/2010		Sheryl Coulter
Jun 8, 2015 12:31 PM	Education - Updated	Education before change: POLITICAL SCIENCES; (Not Specified) - 01/1992		Sheryl Coulter
Jun 8, 2015 12:31 PM	File identified as relevant for the submission	Samantha Phillips.do cx		Sheryl Coulter
Jun 8, 2015 12:31 PM	Submission updated	Manually created via the candidate file creation option The submission is complete		Sheryl Coulter
Jun 8, 2015 12:31 PM	Application process - Start	Profile process - Start The submission is incomplete		Sheryl Coulter

Offers

	Offer 2 (Current)	Requisition	Offer 1
Top Section			
Status	Accepted	-	Rescinded
Extended	Jun 16, 2015	-	Jun 9, 2015
Expiration Date	Jun 19, 2015, 11:06 AM	-	Jun 11, 2015, 12:33 PM

Davis Decl. Exhibit 70, Page 9 of 11

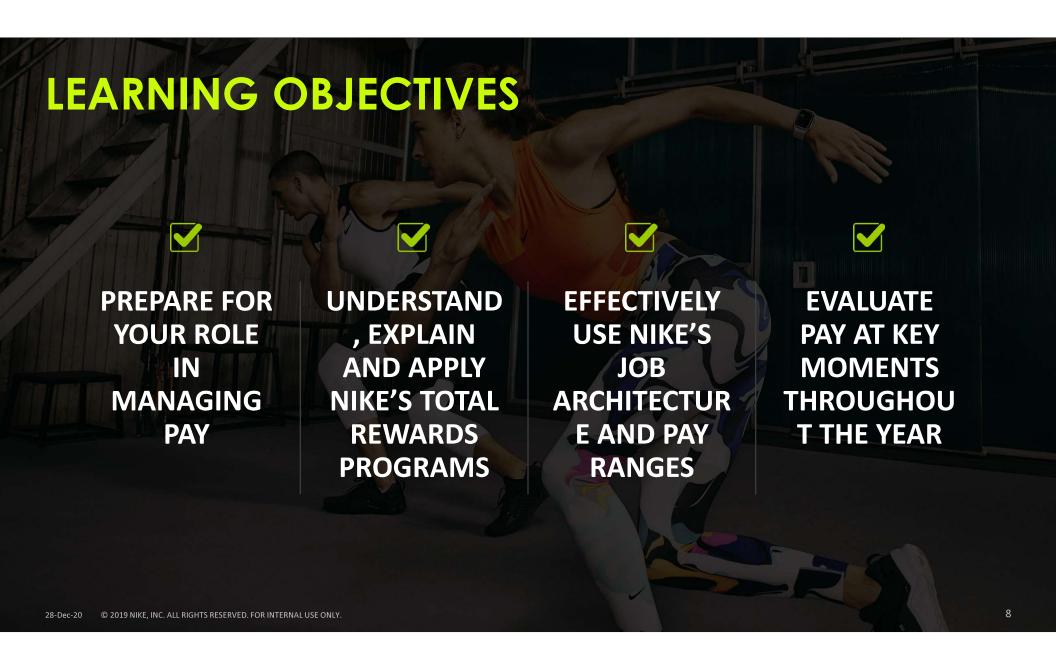
Job Title Director, Information Risk Management- CIS (00218215)

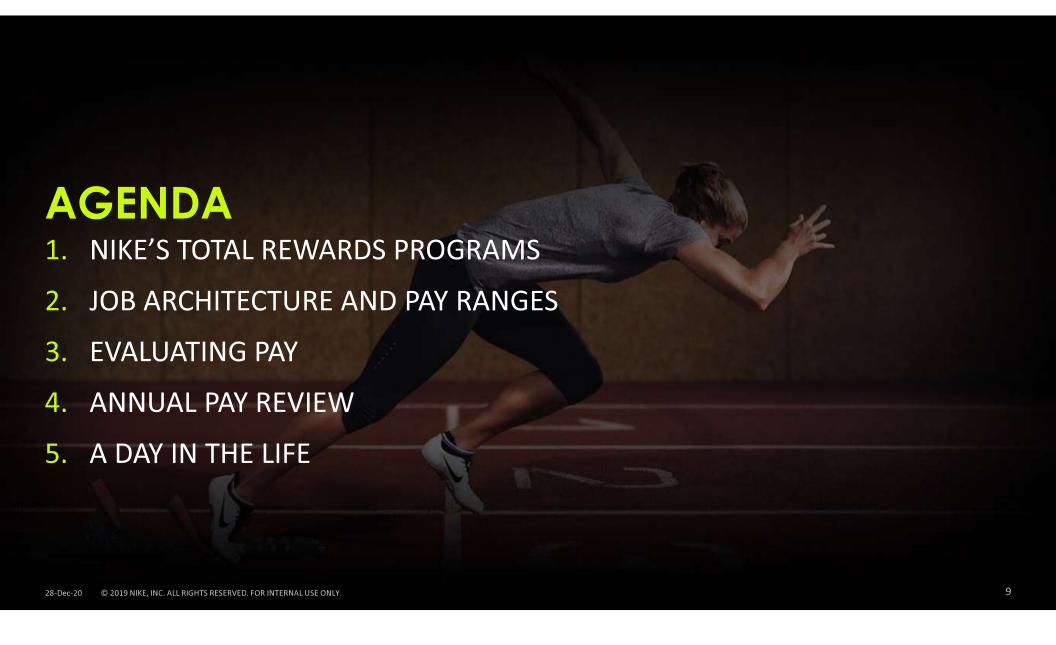
	Offer 2 (Current)	Requisition	Offer 1
Start Date	Jun 22, 2015, 8:00 AM	-	Jun 22, 2015, 8:00 AM
Tentative		-	
Created on	Jun 16, 2015	Jun 1, 2015	Jun 8, 2015
Standard Hours	40.00	-	40.00
Currency	USD	USD	USD
Pay Basis	Yearly	Yearly	Yearly
Salary (Pay Basis)	USD200,000.00	-	USD200,000.00
Annualized Salary	USD200,000.00	-	USD200,000.00
External Min	-	112000.0	-
External Mid	-	140300.0	-
External Max	-	168000.0	-
General Terms			
Hire Status	New Hire	-	New Hire
Letter Used	USTA Offer Confirmation Band E-S External	-	-
Background Check Required?	Yes	Yes	-
Drug Screen Required?	No	-	-
Non-Compete Required?	No	Yes	-
Non-Compete Contingency	No	-	-
Immigration Required? Bonuses	No	No	No
Benefits/ Compensation	Stock Option	-	-
Sign-on Bonus	USD40,000.00	-	USD35,000.00
Details			
Onboarding	WHQ Running Start	-	-
Orientation Date	Jun 22, 2015	-	Jun 22, 2015
Relocation Tier	Tier 5 - E-S Band	-	Tier 4 - U Band
Relocation Type	Homeowner	-	Homeowner

Job Title Director, Information Risk Management- CIS (00218215)

	Offer 2 (Current)	Requisition	Offer 1
Mobility Engaged?	Yes	-	Yes
Notes	She is starting on June 22nd, but not relocating until July. Please have Cartus call her to talk through relocation package.	-	Please have Cartus call samantha to start relocation process. She will be starting here on June 22nd, but not starting the actual relo until July 13th.







SECTION ONE

NIKE'S TOTAL REWARDS PROGRAMS

YOUR ROLE

- UNDERSTAND, EXPLAIN AND APPLY NIKE'S TOTAL REWARDS PROGRAMS
- EVALUATE PAY DURING KEY MOMENTS, SUCH AS:
 - NEW HIRES
 - PAY REVIEWS
 - PROMOTIONS
 - LATERAL MOVES
- LOOK FOR OPPORTUNITIES TO DIFFERENTIATE PAY BASED ON PERFORMANCE AND IMPACT
- HAVE MEANINGFUL PAY CONVERSATIONS WITH YOUR TEAM MEMBERS THROUGHOUT THE YEAR AS PAY CHANGES OCCUR

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11

TOTAL REWARDS PHILOSOPHY

WE EXIST TO CREATE "UNIQUELY NIKE" TOTAL REWARDS THAT ENABLE NIKE TO ATTRACT, RETAIN, & ENGAGE THE WORLD'S BEST TALENT

Aligned with our culture (what we stand for), what our people value, and the competitive market

ENSURE COMPETITIVE & EQUITABLE REWARDS 2

WE PAY FOR PERFORMAN CE & IMPACT

3

INVEST IN POSITIVE EXPERIENCES



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12

SCENARIO

You are in the process of hiring a new team member. During one of the interviews the candidate says...

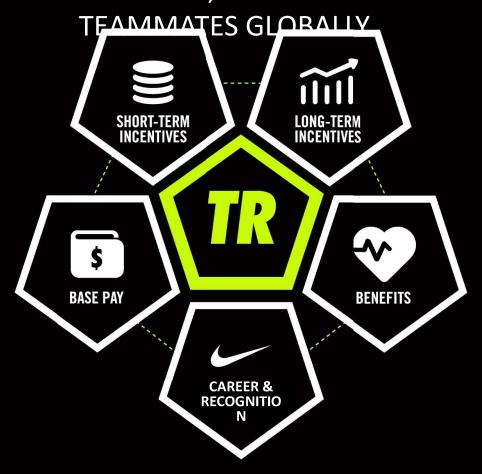
"I'm really excited about this opportunity and want to weigh it against other opportunities I have in front of me. What can you tell me about NIKE's Total Rewards Programs?"

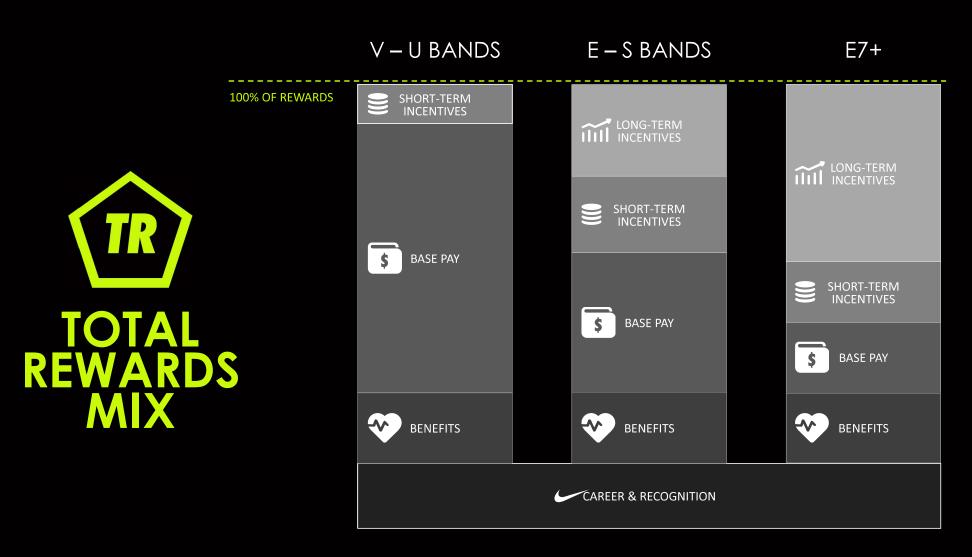
How you would explain NIKE's Total Rewards Programs to a potential new team member?



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THESE PROGRAMS AND PRACTICES SUPPORT OUR BROADER COMMITMENT TO INSPIRE, ENGAGE AND DEVELOP OUR





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To bring inspiration and innovation to every teammate at NIKE by engaging and developing our employees

HOW THIS SHOWS UP AT NIKE:

Coaching for Excellence (CFE)

Promotion & Lateral Move Opportunities

Recognition Programs

- Maxim Awards
- JDI and Founder's Awards
- Milestone Awards
- Service Awards

Mobility Programs



To support the healthcare, financial, and work/life needs of employees and their families.

HOW THIS SHOWS UP AT NIKE

Health Insurance

Retirement Savings

Time Off Programs

Employee Assistance Program (EAP)



To ensure employees are competitively and equitably paid for performing specific job responsibilities

HOW THIS SHOWS UP AT NIKE

New Hires

Pay Reviews

Promotions

Lateral Moves



To give eligible employees an opportunity to share in NIKE's success based on achievement of our short-term financial objectives

HOW THIS SHOWS UP AT NIKE

Annual Bonus - PSP

Geo And Territory Store Incentives

19



To provide eligible employees an opportunity to share in NIKE's success based on achievement of our financial objectives and stock price performance over a multi-year period

HOW THIS SHOWS UP AT NIKE

Stock Awards – Stock Options & Restricted Stock
Cash Awards – Long-term Incentive Plan (LTIP)

20







- A. WHAT DID YOU LEARN?
- B. HOW WOULD YOU TALK TO THE CANDIDATE ABOUT NIKE'S TOTAL REWARDS PROGRAMS?
- C. WHAT ARE YOU CURIOUS TO LEARN MORE ABOUT?

SECTION TWO

JOB ARCHITECTURE AND PAY RANGES

SCENARIO

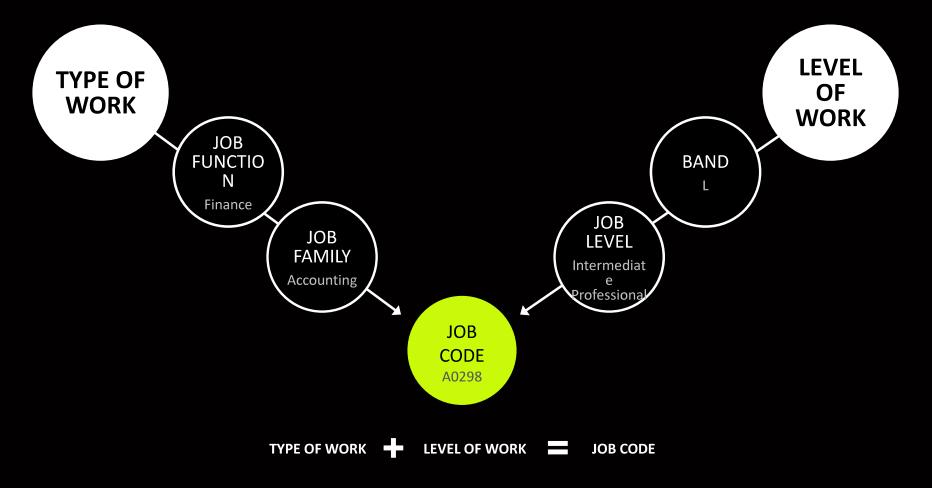
You've recently been give the opportunity to add a new position to your team at the U-band. Your manager has asked what level role you'll need.

This new role will receive assignments in the form of objectives and determine how to use resources to meet schedules and goals. Much of the work will focus on leading a cooperative effort across members of various project teams. The role will develop and administer schedules, performance requirements, and has budget responsibility along with responsibility for performance and pay decisions for one L-band Intermediate Professional. Failure to achieve results will add to costs and may impact the short-term goals of your team.

What factors would you consider to decide if this is a Lead Professional or Manager?

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JOB ARCHITECTURE



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TYPE OF WORK

JOB FUNCTION

Broad categories of work that can be logically grouped together based on having similar characteristics or prerequisite skills

EXAMPLE: FINANCE

JOB FAMILY

The unique roles within a Job Function that can be performed at various levels based on Nike's leveling criteria

EXAMPLE: ACCOUNTING | AUDIT | INVESTOR RELATIONS | FINANCIAL ANALYSIS

LEVEL OF WORK

BAN	JOB LEVELS			
D	INDIVIDUAL CONTRIBUTOR	MANAGEMENT		
E7+		VICE PRESIDENT		
S	PROFESSIONAL CONSULTANT	SENIOR DIRECTOR		
E	EXPERT PROFESSIONAL	DIRECTOR		
U	LEAD PROFESSIONAL	MANIACED		
	SENIOR PROFESSIONAL	MANAGER		
L	INTERMEDIATE PROFESSIONAL	CLIDEDVICOD		
	ENTRY PROFESSIONAL	SUPERVISOR		
A	LEAD SUPPORT			
	SENIOR SUPPORT			
V	INTERMEDIATE SUPPORT			
	ENTRY SUPPORT			

SCOPE & IMPACT

Describes the scope and impact of the job within NIKE, including the degree to which the job identifies solutions to problems, makes autonomous decisions, and is responsible for managing talent, performance, and pay.

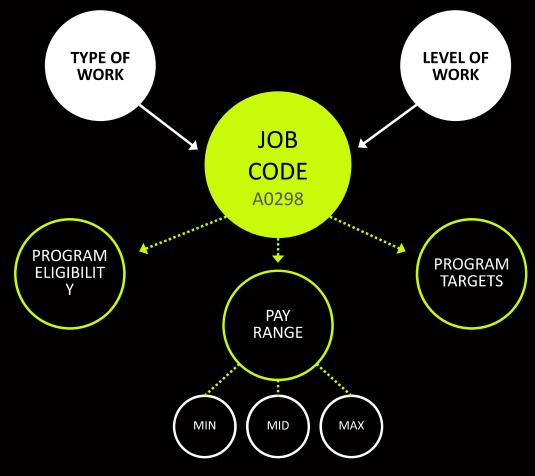
COMMUNICATION & INFLUENCE

Describes the nature of communication and influence the job requires, including the type of interaction and role in setting strategy.

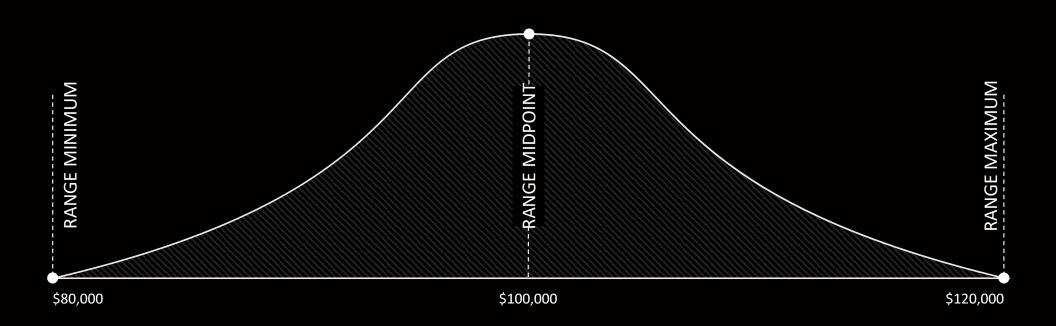
KNOWLEDGE & EXPERIENCE

Describes the expertise and knowledge required to fulfill job responsibilities as defined by minimum levels of formal education, related work experience, and/or capability.

IMPORTANCE OF JOB CODES



PAY RANGES



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- A. WHAT DID YOU LEARN?
- B. WHAT FACTORS WOULD YOU CONSIDER TO DETERMINE WHETHER A ROLE IS A LEAD PROFESSIONAL OR MANAGER?

SECTION THREE

EVALUATING PAY

SCENARIO

You have a direct report who has been in role for 5 years. You consider them to be fully functional in their role and can complete most tasks with little direction. They are a solid performer and earned a Highly Successful during the last review period.

They have asked to see their pay range and to understand where their pay falls in the pay range. This afternoon you have a meeting with them to discuss.

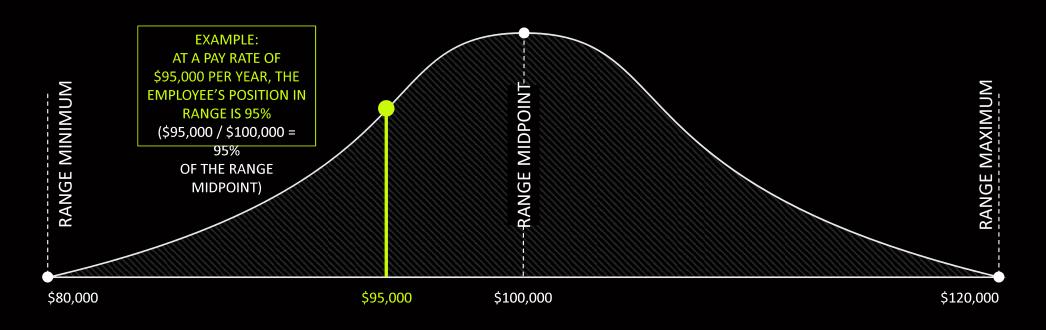
How would you prepare for the conversation and what might explain their position in the pay range? Would your response differ if the employee was rated Inconsistent? If so, how?

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POSITION IN RANGE

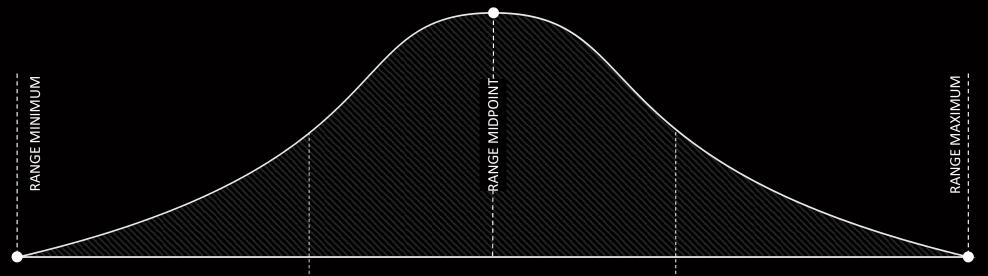
CURRENT PAY* ÷ PAY RANGE MIDPOINT = POSITION IN RANGE

*Current pay is the Full Time Equivalent (FTE) Salary



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SECTIONS OF THE PAY RANGE



LOWER (MINIMUM TO 89%*)

Building experience and/or developing skills for job

Expected to develop target level skills and knowledge over time, may be ramping up to expected levels of function

MIDDLE (90% TO 110%*)

Experience, knowledge, and skills are aligned with the expectations of the role

Fully functional in role and contributed at expected levels

The majority of employees are expected to be paid in this section

UPPER (111%* TO MAXIMUM)

Top talent

Highly experienced, with superior knowledge and skills relative to role

Highly functional in role; may be expert and/or progressing to promotion

^{*} Expressed as a percentage of Midpoint

"100% IS THE IDEAL POSITION IN RANGE FOR AN EMPLOYEE PERFORMING AT THEIR JOB LEVEL'S EXPECTATIONS"

STATEMENT #2...

"IF THE EMPLOYEE IS NOT AT A 100% POSITION IN RANGE THEY ARE NOT PAID AT MARKET"

"IT'S BETTER TO BRING IN A NEW HIRE AT A HIGHER JOB LEVEL AND LOWER POSITION IN RANGE SO THEY HAVE ROOM TO GROW PAY"

STATEMENT #4...

"I SHOULDN'T HIRE SOMEONE AT A LOWER OR HIGHER POSITION IN RANGE THAN THEIR PEER GROUP"

STATEMENT #5...

"NEWLY HIRED OR PROMOTED EMPLOYEES SHOULD BE ABOVE THE MINIMUM OF THE PAY RANGE"

KEY MOMENTS THROUGHOUT THE YEAR

NEW HIRE

Candidate applies for role and is selected to join NIKE through a competitive hiring process.

PROMOTIONS

Employee advances into a role with increased scope and complexity either into a higher job level within the same job band or into a role within a higher job band.

PAY REVIEWS

Moments where full teams and/or organizations are reviewed like the Annual Pay Review in June and Org Changes that occur throughout the year.

LATERAL MOVES

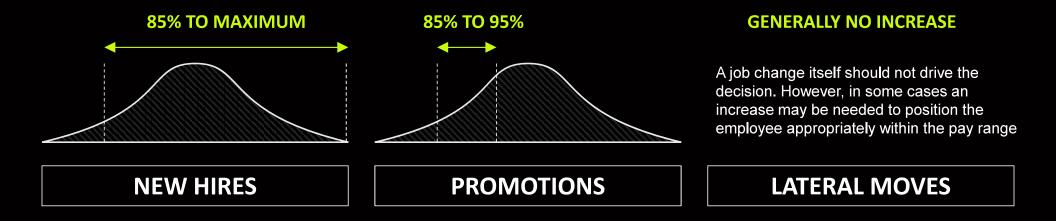
Employee moves into a role with similar scope and responsibility. A lateral move means there is no change to the job level or the job band.

FACTORS TO CONSIDER

28-Dec-20

	NEW HIRES	PAY REVIEWS	PROMOTION	LATERAL MOVE
CURRENT PAY		٧	٧	٧
BAND	٧	٧	٧	٧
LEVEL	٧	٧	٧	٧
POSITION IN RANGE	٧	٧	٧	٧
EXPERIENCE	٧			
PERFORMANCE		٧	٧	٧
POTENTIAL		٧	٧	٧
IMPACT OF LOSS		٧		
RISK OF LOSS		٧		
TIME IN ROLE		٧	٧	٧
PAY RELATIVE TO PEERS © 2019 NIKE, INC. ALL RIGHTS RESERVED. FOR INTERI	√ NAL USE ONLY.	٧	٧	٧

PAY POSITIONING GUIDELINES



IN ALL CASES, MANAGERS ARE RESPONSIBLE FOR MAKING PAY ADJUSTMENTS THAT ARE COMPETITIVE AND EQUITABLE.

NEWLY HIRED OR PROMOTED EMPLOYEES SHOULD ALWAYS BE ABOVE THE MINIMUM OF THE PAY RANGE.







- 1. WHAT DID YOU LEARN?
- 2. HOW MIGHT YOU RESPOND TO YOUR EMPLOYEES NOW IF THEY ASKED YOU ABOUT THEIR PAY POSITIONING?
- 3. WHAT TOOLS AND RESOURCES ARE AVAILABLE TO
 © 2019 NIKE, INC. ALL RIGHTS REFERENCE PARE YOU?

SECTION FOUR

ANNUAL PAY REVIEW

ANNUAL PAY REVIEW

An evolution and consolidation of annual reward events supported by SuccessFactors

- ✓ GLOBAL PERFORMANCE REWARDS (GPR)
- ✓ 2X / MID-YEAR TALENT & PAY REVIEW
- ✓ COMPETITIVE PAY MANAGEMENT
- ✓ ANNUAL STOCK PROCESS

YEAR-END PROCESS

COACHING FOR EXCELLENCE (CFE)

+ ANNUAL PAY REVIEW (APR)

CFE Rating Collection May 8 – May 24 Manager Planning & Executive Review June 5 – July 7

Year-End Performance Conversations
June 1 – June 30

Pay Conversations
July 22 – August 2

APR TIMELINE

PLANNING & REVIEW TO OCCUR BETWEEN JUNE 5 AND JULY 7

MANAGER PLANNING

- Open: June 5Close: June 18
- _ ...
- Edit Access: All Managers

E+ REVIEW

- Open: June 19
- Close: June 23
- Edit Access: E+ Managers
- View Access: V-U Managers

E7+ REVIEW

- Open: June 24
- Close: June 26
- Edit Access: E7+ Managers
- View Access: V-S Managers

E5+ REVIEW

- Open: June 27
- Close: July 1
- Edit Access: E5+ Managers
- View Access: V-E6 Managers

E4+ REVIEW

- Open: July 2
- Close: July 7
- Edit Access: E4+ Managers
- View Access: V-E5 Managers

APPROACHES TO PLANNING

ALL EMPLOYEES

MANAGER INPUT

- MANAGER ACTION REQUIRED; SELECT FROM PRE-DETERMINED DROPDOWN LIST
 - Wholesale
 - APLA and Greater China Retail (excluding Brazil)
 - North America Retail (L+ Bands)
 - AirMI
 - US Distribution Centers (L+ Bands)
 - International Distribution Centers

CENTRALLY PLANNED

- NO ACTION REQUIRED BY MANAGERS; FIXED INCREASES
- ✓ Based on years of experience at NIKE
 - North America Retail (V+A Bands)
- Based on CFE Rating
 - US Distribution Centers (V+A Bands)
 - EMEA Retail (VALU Bands)
 - Brazil Retail

Certain exceptions may apply, please contact HR Direct or your HR representative for specific questions about eligibility.

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APR PROCESS OVERVIEW

SAP

MANAGED THROUGH ONE TECHNOLOGY PLATFORM: SUCCESSFACTORS

PERFORMANC E		BASE PAY		BONUS	STOCK	ALL REWARDS	ALL REWARDS
COACHING FOR EXCELLENCE	CPM ADJUSTMENT	CORE PAY ADJUSMENT	MANAGER INVESTMENT	ANNUAL BONUS — PSP	ANNUAL STOCK AWARD	DASHBOARDS & REPORTING	PAY CONVERSATION
Assess performance for prior 12 months and assign CFE Ratings	Increases to base pay resulting from centrally driven analysis	Default base pay increase based on country and position in range	Additional increase to reward performance, impact, key talent, or address internal	Shared NIKE Inc. performance metric and 100% individual modifier for all employees	Recognize and retain eligible talent with stock awards	Centralized and standardized reporting to asses and review all adjustments	Enhanced pay statement to communicate awards

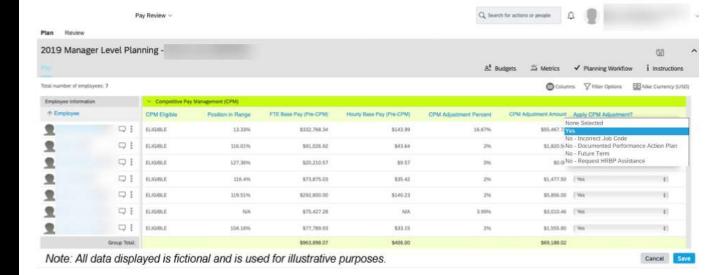
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COMPETITI VE PAY

- CPM Adjustments pre-populate for select employees
- Managers determine whether to 'Apply CPM Adjustment' – default is 'Yes'
- ✓ Manager may select 'No' if:
 - Incorrect job code
 - Documented performance action plan
 - Future Term
 - Request HRBP Assistance







CORE PAY

- Core Pay Adjustments prepopulate for all employees with default of 'Market'
- Managers determine whether to further invest in ~20% of employees
 - Increase the investment by selecting 'Invest' or 'Max Invest'
- Managers can remove the increase by selecting 'Zero'



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IMPACT OF POSITION-IN-RANGE

ILLUSTRATIVE EXAMPLE OF CORE PAY INVESTMENT TABLE

	LOWER SECTION OF PAY RANGE	MIDDLE SECTION OF PAY RANGE	UPPER SECTION OF PAY RANGE
MAX INVEST (INCREASE)	7.0%	5.5%	4.0%
INVEST (INCREASE)	5.5%	4.5%	3.5%
MARKET (DEFAULT)	4.0%	3.0%	2.5%
ZERO (REMOVE)	0.0%	0.0%	0.0%

MARKET WILL PREPOPULATE BASED ON COUNTRY AND POSITION IN RANGE

MANAGERS THEN HAVE THE ABILITY TO FURTHER INVEST USING A DROPDOWN LIST

Pay Review ~



- ✓ Lump Sum awards pre-populate when pay exceeds the pay range maximum
 - Amount up to the maximum results in pay increase
 - Amount above the maximum results in a Lump Sum award

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- Managers determine whether to 'Apply Lump Sum Amount' default is 'Yes'
- Manager may select 'No' and provide justification

2019 Manager Level Planning -Total number of employees: 7 Columns Filter Options Nike Currency (USD) Employee Information Lump Sum Apply Lump Sum **-**↑ Employee 388,236.06 \$10,216.75 \$15,529,44 \$403,765.49 \$174.71 S92,847.46 \$2,748.27 592.884.62 9 \$2,534.09 Wes. \$20,210,57 \$9.57 9 \$75,352.54 298,656.00 \$4,479.84 \$303,135.84 D : \$78,437.74 \$ 579,345.73 \$1,763.24 Market Group Total: 033,086.10 \$23,815.70 \$91,478.66 \$30.375.81 \$11.618.41 \$1,063,461.91 Note: All data displayed is fictional and is used for illustrative purposes.

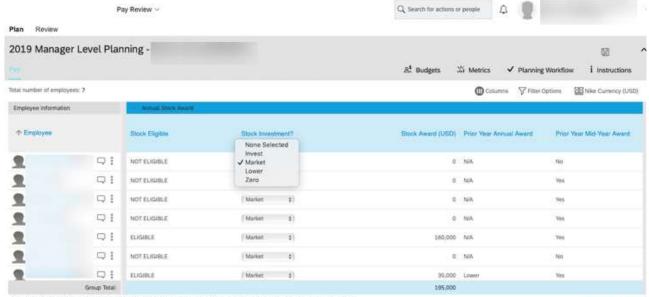
52

Cancel

Q Search for actions or people



- Stock award recommendations pre-populate for all employees with default of 'Market'
- Managers determine whether to further invest in ~20% of employees
 - Increase the investment by selecting 'Invest'
 - Decrease the investment by selecting 'Lower'
- ✓ Managers can remove the award by selecting 'Zero'



Note: All data displayed is fictional and is used for illustrative purposes.

53

Cancel

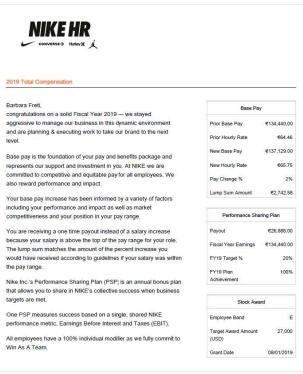
REPORTING & STATEMENTS

TILES +



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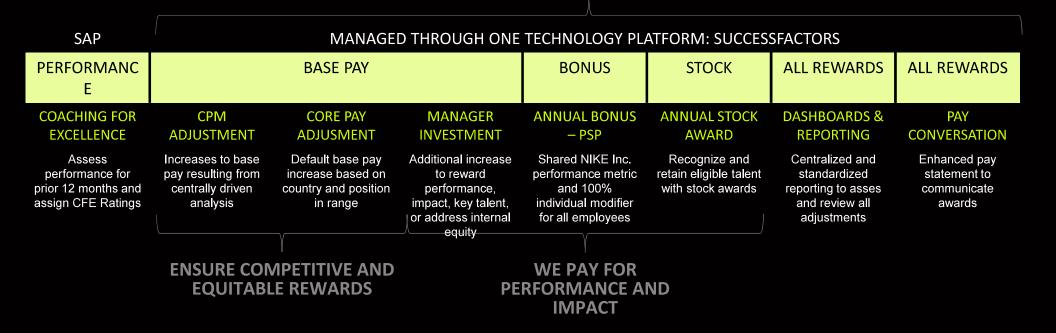
PAY STATEMENT



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APR PROCESS OVERVIEW

INVEST IN POSITIVE EXPERIENCES



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EPILOGUE

A DAY IN THE LIFE

PAY SIMULATION: NEW HIRE

Over the past month you've been working with Talent Acquisition to fill a Marketing Operations role on your team in Singapore. After a series of successful interviews you've decided to make an offer to your candidate of choice, Dre. Based on your interviews, you feel that Dre's experience will be a great asset to Nike and that within 2-3 months will be fully functioning in the new role.

A majority of your team is in the lower section of the pay range with an average position in range of 87%. Chai, one of your top performers and the most experienced member of the team is in the middle section of the pay range with a position in range of 105%.

Because this is an intermediate professional role at the L-band it results in the following pay range:

Minimum Midpoint Maximum \$43,000 | \$50,000 | \$57,000

PRIOR TO POSTING THE ROLE, WHAT WOULD YOU NEED TO TAKE INTO CONSIDERATION WHEN SELECTING THE APPROPRIATE JOB CODE?

AFTER CONDUCTING
INTERVIEWS, WHAT WOULD
YOUR INITIAL BASE PAY
RECOMMENDATION BE WHEN
EXTENDING THE OFFER TO DRE?

5/

PAY SIMULATION: PAY REVIEW

You recently received an email informing you that the Annual Pay Review process is soon approaching. In preparation for this annual event, you've started thinking about the pay adjustments you might enter into the system.

Within your team of seven employees, you've assigned CFE ratings of Successful to five members, while Avery and Lee were both rated Highly Successful. In addition you've noted that if Avery were to leave Nike there would be significant impact on your team, as they have unique skills that are hard to find in the labor market.

Avery is currently in the lower section of the pay range with a position in range of 89%, while the rest of the team is in the middle and upper sections of the pay range. WHAT WOULD YOU RECOMMEND FOR AVERY'S POSITION IN RANGE?

WHAT CONSIDERATIONS DID YOU TAKE INTO ACCOUNT?

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PAY SIMULATION: PROMOTION

In order to accomplish some upcoming initiatives aimed at accelerating growth in China you've decided to promote Lee from a Sr, Digital Marketing Specialist role at the U-band to Manager, Digital Marketing at the U-band. Lee will also now be leading a small team of experts.

Lee has been in the current role for the past 5 years and has received a CFE rating of Highly Successful for the past 3 years. After the most recent pay review, Lee is in the upper section of the pay range with a position in range of 111% and current base pay of \$80,000. You have one other Manager on your team who has been in role for 3 years and is currently paid \$115,000 per year.

The pay range for this new role is:

Minimum Midpoint Maximum \$95,000 | \$120,000 | \$145,000

WHICH SECTION OF THE PAY RANGE WOULD YOU LIKE TO SEE LEE POSITIONED IN?

WHAT WOULD YOU RECOMMEND FOR LEE'S BASE PAY?

HOW WOULD YOU PREPARE FOR THIS CONVERSATION?

59

PAY SIMULATION: LATERAL MOVE

In addition to Lee's promotion, you will also be backfilling the role through a lateral move. Terry will be joining the team as a Sr, Digital Marketing Specialist at the U-band.

Terry has been in the current role for 4 years, is fully functioning in the role, and has a position in range of 98%. Many of Terry's skills will be easily transferrable into this new role. In addition, Terry has received CFE ratings of Successful for the 2 of the past 3 years, and was recently rated Highly Successful.

Most of Terry's peers in the new team are in the middle and upper section of the pay range.

Because this is a lateral move within the Marketing job function, the pay range will remain unchanged:

Minimum Midpoint Maximum \$70,000 | \$90,000 | \$110,000

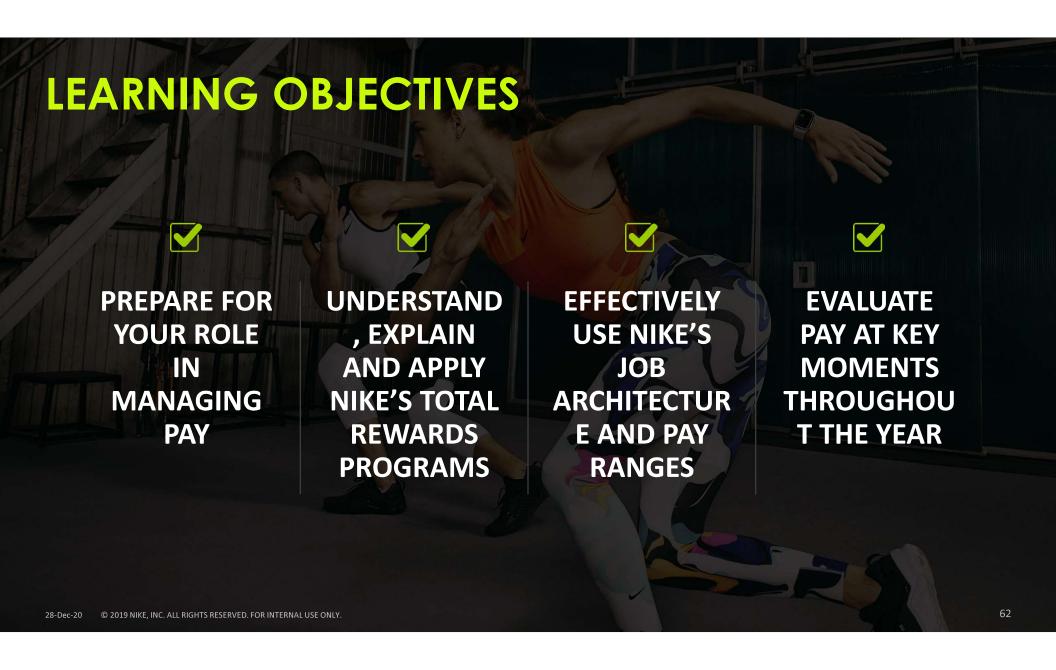
WHAT RECOMMENDATION WOULD YOU MAKE FOR TERRY?

HOW DID YOU ARRIVE AT THAT RECOMMENDATION?

60

DEBRIEF

A DAY IN THE LIFE





Nike, Inc. Human Resources | Total Rewards

FY17 PSP Brochure

As part of the Nike team, all employees have an opportunity and incentive to share in Nike's success! For most employees, this incentive is linked to our Performance Sharing Plan.

PERFORMANCE TARGETS

What drives PSP? Performance! Each fiscal year, Nike sets a performance goal for the overall Nike Brand.

The primary financial measure for PSP is Earnings Before Interest & Taxes (EBIT). Most, but not all, plans use this measure.

Beyond Nike Brand performance, our geographies, some territories, and some business units are also measured against their unit's EBIT targets.

NIKE'S PERFORMANCE SHARING PLAN (PSP) IS:

- An important part of your Total Rewards package at Nike
- An annual bonus plan that allows you to share in Nike's success
- > Impacted by your contributions to Nike and to your team
- Designed so that PSP awards target market median, on average, when business targets are met; greater if targets are exceeded

PSP & TOTAL REWARDS

Here's the big picture on where PSP fits into your Total Rewards*

Base Pay	Retirement Plan
PSP or other incentive programs	Medical, Dental, Vision Benefits
Stock Options	Life and Disability Benefits
Employee Stock Purchase Plan	Paid Time Off / Vacation

*Due to geography, territory, and country differences, specific components of Total Rewards may vary.

Additionally, the above list does not include all of the other great things at Nike, such as product discounts, casual work environment, global exposure, etc.

PSP PAYOUTS

How are rewards made? We measure results against performance targets at the end of each fiscal year. The level of our achievement drives the reward pool.

Managers reward employees based on their pool and Nike's program guidelines. PSP bonuses are distributed to employees in August, and paid as a lump sum bonus, not an increase to base pay.

AN INCENTIVE AND REWARD FOR PERFORMANCE

We all have a part in creating success for Nike; in turn, we should all share in the benefits of that success. When financial results are good, we have a large PSP award pool. When our financial performance falls short, we share in a smaller PSP award pool or none at all. That's why we call it "pay at risk." PSP is an opportunity, not a guarantee.

PSP is also an incentive to increase performance — for all of us. Our shareholders expect us to raise the bar from our previous year's results and so should we. It is important that we all focus on achieving or exceeding our Coaching for Excellence (CFE) goals. When we do, we'll be contributing to the success of our individual teams and to Nike.

LINE OF SIGHT

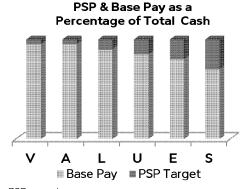
Nike PSP provides a link between your work, your business unit results, and the financial performance of Nike. Ultimately, this gives you more control over your PSP award opportunity and more direct impact on your team's performance through focusing on your CFE goals. We call this clearer connection a "line of sight" between you and your PSP opportunity.



Davis Decl. Exhibit 72, Page 1 of 2

Case 3:18-cv-01477-JR Document 210-3 Filed 04/14/22 Page 78 of 158 PSP TARGETS BY SALARY BAND

Band	Total Target Share (% of fiscal year earnings)	50% = Team Share	50% = Discretionary Share
V, A	5.0%	2.5%	0 – 2.5% or more
L	10.0%	5.0%	0 – 5.0% or more
U	15.0%	7.5%	0 – 7.5% or more
E	20.0%	10.0%	0 – 10.0% or more
S	30.0%	15.0%	0 – 15.0% or more



The higher your job band and level of responsibility, the greater your shared risk and potential for PSP awards.

PSP AWARD POOL So% Team Share Your Award

CFE DISCRETIONARY MODIFIER GUIDELINES

CFE Ratings	Performance Modifier*
Exceptional	75-150%
Highly Successful	50-125%
Successful	25-110%
Inconsistent	0-75%
Unsatisfactory	0%
Too New to Rate	0-110%

HOW PSP WORKS

- Nike Brand Earnings Before Interest & Taxes (EBIT), along with the team measures (i.e., EBIT*), generate a pool of money to fund PSP.
 - Employees who work in global functions that report directly to the CEO and have responsibility for both Nike and Affiliates, as well as some of Nike's executives and Affiliate employees are rewarded based on Nike, Inc. EBIT, rather than Nike Brand.
- 2. The PSP Pool is divided into two equal portions: The Team Share and the Discretionary Share. Both shares consider your job band on May 31st (see chart at left) and your fiscal year earnings. Additionally, the Discretionary Share reflects your individual performance against your CFE goals through a CFE Modifier (see chart at left).
- 3. The Team Share and Discretionary Share combine into one PSP award.

*EBIT= what you're left with after you subtract expenses from revenue before the effect of interest income and expense and before paying taxes.

WHO'S ELIGIBLE FOR PSP?

You are eligible, regardless of hours worked, if you are a regular employee (excludes temporary employees in certain countries and interns) and meet all of the following:

- You are paid fiscal year earnings (the specific pieces of eligible pay vary by country and region); and
- 2. You receive a performance rating of Exceptional, Highly Successful, Successful, Inconsistent or Too New to Rate, and
- 3. You are employed on the last day of the fiscal year and are not terminated for violation of company rules/policies, attendance/tardiness, or performance before the payout; and
- 4. You are not participating in a sales or retail commission or bonus plan, or in any other incentive plan that replaces PSP.

Note: You may be eligible for PSP if you participate in another Nike incentive program for only part of the fiscal year. Also, if you transfer between PSP plans (e.g., global, geography, territory), your PSP will be based on achievements of both plans as long as you worked at least three months or 89 days in each plan.

FOR MORE INFORMATION

Details on the specific PSP plan design and performance measures for your team will be provided by your business group. If you have any questions, please speak with your Manager or HR Business Partner. Additional information about compensation and benefits at Nike is located on the *NIKE HR Portal*.

This brochure contains an overview of the Nike Performance Sharing Plan (PSP). Because the PSP is not subject to the Employee Retirement Income Security Act (ERISA), the information in this brochure does not constitute a summary plan description. While Nike intends to offer this plan ongoing, the company reserves the right to change or terminate the PSP at any time for any reason with or without notice. Participation in the plan does not constitute a guarantee of employment.

CONVERSE Hurley)(

Davis Decl. Exhibit 72, Page 2 of 2



Nike, Inc. Human Resources | Total Rewards

FY18 PSP Brochure

As part of the Nike team, all employees have an opportunity and incentive to share in Nike's success! For most employees, this incentive is linked to our Performance Sharing Plan.

PERFORMANCE TARGETS

What drives PSP? Performance! Each fiscal year, Nike sets a performance goal that PSP is measured against.

The primary financial measure for PSP is Earnings Before Interest & Taxes (EBIT). Most, but not all, plans use this measure.

Beyond Nike, Inc. performance, our geographies and some business units are also measured against their unit's EBIT targets.

NIKE'S PERFORMANCE SHARING PLAN (PSP) IS:

- An important part of your Total Rewards package at Nike
- An annual bonus plan that allows you to share in Nike's success
- > Impacted by your contributions to Nike and to your team
- Designed so that PSP awards target market median, on average, when business targets are met; greater if targets are exceeded

PSP & TOTAL REWARDS

Here's the big picture on where PSP fits into your Total Rewards*

Base Pay	Retirement Plan
PSP or other incentive programs	Medical, Dental, Vision Benefits
Stock Options	Life and Disability Benefits
Employee Stock Purchase Plan	Paid Time Off / Vacation

^{*}Due to geography, territory, and country differences, components of Total Rewards may vary.

PSP PAYOUTS

How are rewards determined? We measure business results against performance targets at the end of each fiscal year. The level of our achievement drives the reward pool.

Managers reward employees based on their pool and Nike's program guidelines. PSP bonuses are distributed to employees in August, and paid as a lump sum bonus, not an increase to base pay.

AN INCENTIVE AND REWARD FOR PERFORMANCE

We all have a part in creating success for Nike; in turn, we should all share in the benefits of that success. When financial results are good, we have a large PSP award pool. When our financial performance falls short, we share in a smaller PSP award pool or none at all. That's why we call it "pay at risk." PSP is an opportunity, not a guarantee.

PSP is also an incentive to increase performance — for all of us. Our shareholders expect us to raise the bar from our previous year's results and so should we. It is important that we all focus on achieving or exceeding our Coaching for Excellence (CFE) goals. When we do, we'll be contributing to the success of our individual teams and to Nike.

LINE OF SIGHT

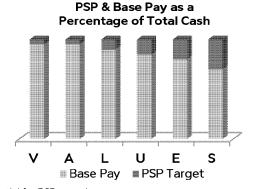
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Davis Decl. Exhibit 73, Page 1 of 2

Case 3:18-cv-01477-JR Document 210-3 Filed 04/14/22 Page 80 of 158 PSP TARGETS BY SALARY BAND

Band	Total Target Share (% of fiscal year earnings)	50% = Team Share	50% = Discretionary Share
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U	15.0%	7.5%	0 – 7.5% or more
E	20.0%	10.0%	0 – 10.0% or more
S	30.0%	15.0%	0 – 15.0% or more



The higher your job band and level of responsibility, the greater your shared risk and potential for PSP awards

NIKE Performance Measures PSP AWARD POOL 50% Team Share Your Award

CFE DISCRETIONARY MODIFIER GUIDELINES

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HOW PSP WORKS

- Earnings Before Interest & Taxes (EBIT)*, along with the team measures, generate a pool of money to fund PSP.
 - Employees who work in global functions that report directly to the CEO and have responsibility for both Nike and Affiliates, as well as some of Nike's executives and Affiliate employees are rewarded based on Nike, Inc. EBIT. Other employees are rewarded based on EBIT in the geography or business unit they support.
- 2. The PSP Pool is divided into two equal portions: The Team Share and the Discretionary Share. Both shares consider your job band on May 31st (see chart at left) and your fiscal year earnings. Additionally, the Discretionary Share reflects your individual performance against your CFE goals through a CFE Modifier (see chart at left).
- 3. The Team Share and Discretionary Share combine into one PSP award.

*EBIT= what you're left with after you subtract expenses from revenue before the effect of interest income and expense and before paying taxes.

WHO'S ELIGIBLE FOR PSP?

You are eligible, regardless of hours worked, if you are a regular employee (excludes temporary employees in certain countries and interns) and meet all of the following:

- You are paid fiscal year earnings (the specific pieces of eligible pay vary by country and region); and
- 2. You receive a performance rating of Exceptional, Highly Successful, Successful, Inconsistent or Too New to Rate; and
- You are employed on the last day of the fiscal year and are not terminated for violation of company rules/policies, attendance/tardiness, or performance before the payout; and
- 4. You are not participating in a sales or retail commission or bonus plan, or in any other incentive plan that replaces PSP.

Note: You may be eligible for PSP if you participate in another Nike incentive program for only part of the fiscal year. Also, if you transfer between PSP plans (e.g., global, geography, business unit), your PSP will be based on the achievement of both plans if you worked at least three months or 89 days in each plan.

FOR MORE INFORMATION

If you have questions, please speak with your Manager or HR Business Partner. Additional information about compensation and benefits at Nike is located on the *NiKE HR Portal*.

This brochure contains an overview of the Nike Performance Sharing Plan (PSP). Because the PSP is not subject to the Employee Retirement Income Security Act (ERISA), the information in this brochure does not constitute a summary plan description. While Nike intends to offer this plan ongoing, the company reserves the right to change or terminate the PSP at any time for any reason with or without notice. Participation in the plan does not constitute a guarantee of employment.



Davis Decl. Exhibit 73, Page 2 of 2

Filed 04/14/22

Performance Rewards: PSP Award FAQs for Managers



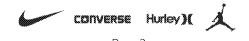
- 1. What do Managers need to do differently now that awarding PSP happens earlier in the cycle?
 - During the awarding cycle, the PSP plan achievement will default to 100%. These are not final achievements.
 - Once <u>final</u> plan achievements are available, the system will be updated to reflect
 actual achievements. The system will update both the team and individual portions
 of the PSP award and calculate them using both the final PSP plan achievement and
 the individual performance modifier the manager entered.
 - Final PSP awards will be available to managers on July 19th via the Total Rewards Summary reports and on the Personal Pay Statements available July 25th.
 - Awards should not be communicated to employees prior to July 25th.
- 2. I have an employee who has only been at NIKE for part of the fiscal year. Is s/he eligible for a PSP award?
 - a. Regular NIKE Employees are eligible for PSP if they are employed as of 5/31 (and not terminated for policy violations, attendance/tardiness, or performance prior to payout), have fiscal year earnings, have an inconsistent or higher CFE rating, and are not paid on another bonus plan (such as retail or sales). PSP is based upon an employee's fiscal year earnings, so the amount is automatically "pro-rated" for the time an employee has been in his/her job.
- 3. If an employee is termed prior to the PSP payout in August, will s/he receive a PSP payout?
 - a. Yes, unless the employee is terminated for policy violations, attendance/tardiness, or performance prior to payout. In these cases, the PSP payout will not be processed.
- 4. Do managers need to input an individual performance modifier for a termed employee?
 - a. Yes. If an employee is eligible for PSP, then a manager enters the modifier which is used to calculate the PSP amount.



Davis Decl. Exhibit 74, Page 1 of 2

Remember, PSP is an award linked to the employee's prior FY performance. Managers should follow the PSP modifier guidelines when awarding termed employees.

- 5. If an employee switched departments during the year, which PSP plan will s/he be paid out on?
 - a. PSP plans are tracked for individual employees. As long as an employee has been in a role for at least 89 days, the system will automatically assign the appropriate PSP plan based on the person's work history. An employee could be paid out on multiple plans depending upon their movement. Due to the 89-day rule, it's possible an employee would have up to 4 different PSP plans in one fiscal year.
- 6. If I award more PSP than my allowed budget, will the system stop me from submitting the awards?
 - a. No, the budget will go into a negative amount, and the budget display will turn red. Please note that the Manager +1 will need to approve any amounts submitted. As the spend rolls up the manager hierarchy, the total will need to be within the overall budget. So if one manager is over budget, another manager must be under to come out within budget at the higher levels.
- 7. Will the system prevent me from putting in an individual performance modifier that is outside of the guidelines?
 - a. No, but managers need to stay within their budgets and all recommendations require a Manager +1 approval.
- 8. What is the definition of fiscal year earnings for purposes of calculating PSP?
 - a. The definition is intended to be globally consistent; however, there may be some legal requirements or market practices that differ in some countries. For NIKE employees on the U.S. payroll, Fiscal Year Earnings include base salary, overtime pay, shift differential, promotional and merit increases, or lump sums. FY earnings do not include one-time payments such as Milestone Awards, signing bonuses, relocation bonuses, PSP, or other incentive plan payouts. Fiscal year earnings also do not include any payments made by NIKE's Short or Long-Term Disability plans. Contact HR Direct for details.



Davis Decl. Exhibit 74, Page 2 of 2

We are committed to building an inclusive and accountable culture across our company - a workplace where you can be you. Inspiration, innovation and reaching one's full potential can only happen in an environment that is free from harassment and discrimination.

Please familiarize yourself with NIKE's antiharassment and anti-discrimination policy, A Matter of Respect and the process for reporting violations.

A MATTER OF RESPECT — NIKE'S ANTI-HARASSMENT & ANTI-DISCRIMINATION POLICY

NIKE, Inc. strives to be an employer of choice that seeks to recruit and retain a diverse pool of employees, which is critical to our future growth. Our employment policies, practices, and training programs are designed to reinforce a culture of inclusion and respect where each employee can reach their full potential.

We want to be sure that harassment and discrimination of all types do not occur at NIKE, including harassment. discrimination, or other inappropriate conduct, based on sex, race, sexual orientation, gender identity, gender expression. age, religion, disability, ethnic group, marital status, military or veteran status, or any other class status protected by applicable law – including conduct by co-workers, managers, visitors, customers, and vendors. To that end, NIKE's policy prohibits discrimination and harassment, seeks to prevent harassment and provides employees with an effective complaint process. This policy applies to everyone at NIKE regardless of position and will be consistently enforced. To learn more about Matter of Respect, click here.

Anyone who experiences, witnesses, or learns of harassment in the workplace must immediately report the incident by contacting their manager, HR Direct or Matter of Respect.

24-HOUR ALERTLINE



1-888-836-2463 (within the US) Calling from outside the US? Visit

https://blogs.nike.com/inside the lines/ contact-the-alertline/ for a complete list of numbers (scroll to the bottom of the page).

Alterline is a resource available to employees and those outside NIKE. Real-time support is available in local languages, 24-hours a day, 365 days a year.

A MATTER OF RESPECT



1 +1 503-532-4444

32-4444 (international)



matterofrespect@nike.com

Concerns may be reported to Matter of Respect by email or phone. Individuals calling the hotline have the option of leaving an anonymous message or requesting a confidential conversation. Members of the Matter of Respect Team will respond to calls/emails within 4 business days.

Matter of Respect: https://nikehr.nike.com/node/15978 Inside the Lines: https://blogs.nike.com/inside_the_lines/

Culture of Accountability Website: https://zero.nike.com/home/accountability

Maxims: https://maxims.nike.com/experience-the-maxims/

Davis Decl. Exhibit 75, Page 1 of 2

FAQ

What is the Matter of Respect Policy?

NIKE, Inc.'s Matter of Respect policy prohibits discrimination and harassment, seeks to prevent harassment and provides employees with an effective complaint process.

Who can contact the Matter of Respect Email/Hotline?

Anyone can report an issue to Matter of Respect, including employees (current and former), ETWs, consumers and vendors

How are calls to the Matter of Respect Hotline handled?

The hotline is a confidential resource managed by an internal team. Callers have the option of leaving an anonymous message voicing their concern or providing contact information. If contact information is provided, a member of the Matter of Respect Team will follow up within four business days to conduct an intake interview. The hotline is not managed in real-time but is monitored throughout the day during business hours.

How are emails to Matter of Respect handled?

An auto-response will be deployed by the Matter of Respect mailbox to confirm that an email has been received. A member of the Matter of Respect Team will then review the information and reach out to conduct an intake interview. Once enough information is obtained, concerns will be assigned to the appropriate internal team for follow up and resolution of concerns.

Are concerns confidential or anonymous?

Concerns can be submitted anonymously to Matter of Respect and Alertline. The information provided is treated as confidential, and is only shared with individuals and teams involved in follow up actions and resolution of concerns.

What happens to the information that is reported?

The information reported to Matter of Respect and Alertline is recorded and retained in accordance with NIKE, Inc. policies. Complaints regarding accounting, auditing, or internal control or anti-corruption matters will also be communicated to the Audit Committee of NIKE's Board of Directors.

When should someone contact the Alertline?

Alertline may be used to report any concern related to actual or potential violations of the law or NIKE, Inc.'s Code of Ethics, including the Matter of Respect policy. Alertline is managed by an independent company with operators who gather information in real-time, 24 hours a day, 365 days a year. Concerns can also be reported to Alertline online, via the following links:

- · Spain/Portugal Team Members: https://iberiaintegrity.alertline.com/gcs/welcome
- EMEA Team Members: https://www.financial-integrity.com/nike.jsp
- All Other Team Members: https://www.integrity-helpline.com/nike.isp

Is there anyone else an employee can contact to file a complaint?

Yes. Employees can contact their manager, any member of leadership, their HR or Employee Relations (ER) contact or HR Direct. HR Direct can provide employees with the appropriate HR or ER contact or can intake concerns and pass them to the appropriate team.

Can an individual be retaliated against for reporting a concern?

Retaliation against any employee for the good faith reporting of a suspected violation of law or privacy or for participating in any investigation of a suspected violation will not be tolerated.

WHAT DOES HARASSMENT LOOK LIKE?

Harassment or inappropriate behavior can take many forms, including:

- unwelcome sexual advances
- offensive racial insinuations or language
- · race- or sex-based jokes
- · offensive jokes or emails
- · voiced speculation about another's sexual orientation
- · sexually offensive behavior and sexual insinuations
- vulgar language
- discrimination based on gender identity, marital status, disability, or ethnic group
- · disrespecting another's religious beliefs
- · sexually suggestive compliments
- · humiliating treatment
- · teasing about someone's age
- stereotyping
- · unwelcome touching or flirting

This is not an all-inclusive list. If you experience, witness or learn of behavior that you believe may be harassment in the workplace, immediately report the situation through one of the resources included in this guide.

CFE RATING COLLECTION

TOTAL REWARDS PHILOSOPHY & STRATEGY

CFE RATING COLLECTION

PROCESS FOR HR

ANNUAL PAY REVIEW

ANNUAL PAY REVIEW (MANAGERS)

ANNUAL PAY REVIEW RESOURCES (MANAGERS)

BASE PAY

MON. CYCARPY

SHORT-TERM INCENTIVES

LONG-TERM INCENTIVES

TOTAL REWARDS PORTAL

OVERVIEW

The year-end Coaching For Excellence (CFE) Rating Collection Process is just one step in the broader <u>Year-End Process</u>. As part of the year-end assessment process, managers determine a summary rating for both Achieving Business Results and Creating Team Success and establish an Overal' Year-End Rating. The guiding principle for determining the Overall Rating is that Business Results and People Results are equally important and should be equally valued. It is the Overall Year-End Rating that will be captured during the CFE Rating Collection Process.

At NIKE, Inc. we have five ratings for performance:

Rating	
Exceptional	Employee performance far exceeds expected results on all goals. Consistently goes above and beyond in all aspects of performance. Role model for others. Overall, far above expectations.
Highly Successful	Employee performance exceeds expected results on all goals. Overall, above expectations.
Successful	Employee performance accomplished expected results on goals. Overall, achieved expectations.
Indonstrient	Employee performance achieves some, but not all, expected results on goals. Overall, short of expectations. Goaching and development needed to elevate performance.
Unsatisfactory	Performance does not meet expected results on goals. Requires action plan and immediate improvement.

Performance is an important factor when determining pay. Other inputs include current position in range, future potential, impact of loss, risk of loss, time in role and pay relative to peers.

ELIGIBILITY

All active employees on May 31 will be given an Overall Year-End Rating, Employees who have been at NIKE for less than three months of the fiscal year (hired between March 1 and May 31) will have a rating of "Too New To Rate" entered into the system. During the rating collection period, managers can adjust CFE ratings directly in the system. If an incorrect rating is entered during the CFE collection period, managers can use the "Correction Request Form" (available in the Documents section to the right of this page) after the close of the collection period. (June 7 at 12 p.m., PST) to submit a corrected CFE rating until August 31. The manager must submit this form to HR Direct

HOW IT WORKS FOR MANAGERS

The primary role for managers is to establish Overall Year-End Ratings for direct-report employees and update the Manager MEportal.

PROCESS OVERVIEW

Nike HR will notify managers when the system opens for CFE Ratings Collection. The collection period is May 8-24 Performance ratings are required for all employees

*Geographies or business groups may have additional timeline requirements that fall within the Global timetines. Managers must consult with their management or HR Business Partners for additional guidance

The system will automatically assign "Too New to Rate" ratings for employees who have been at NIKE for less than three months of the fiscal year

If Performance Ratings are submitted but later determined to be incorrect after the CFE Collection period closes, the CFE Correction Process' must be followed using the "Correction Request Form" (available in the Documents section to the right of this page) after the close of the collection period (June 7 at 12 p.m., PST). Correction requests require HRBP and senior leader approval.

CFE RATINGS COLLECTION: Managers submit CFE Ratings for their direct reports using the Manager MEponal. Refer to the CFE Rating Job Aid for more information.

REPORTING: Managers can access a report displaying the CFE rating distribution for their direct reports or broader organization. See CFE Rating Report for Managers Job Aid for more information

DPDATED 2019/06/05 - 5:48pm

MEponsi



GFE Rating Entry Joh Ald



for Managers Job

DOCUMENTS

CFE FAOs for Managers

Correction Request Form New Process: Correction requests require HRBP and senior leader approval Note: You must use the Chrome web browser.

Correction Request Form (Mac Users) New Process: Correction requests require HRBP and senior leader approval. Note: You must save to your computer and only open with Acrobat Reader (if you mistakenty open with Preview app, download and save the file

REFERENCES

Coaching For Excellence



WELCOME TO THE READINESS SITE

The intent of this site is to provide information and resources that HR audiences may need to play their role in HR Portfolio initiatives. This may include early access to materials for Leaders, Managers and/or Employees, or tools & resources developed specifically for business-facing HR members. Content is refreshed once a month, with ongoing updates made. Subscribe to the Readiness Update to stay in the know.

MAY: WHAT'S NEW

THIS MONTH'S TOPICS

YEAR-END PROCESS



Watch the full 2 hour recording or a 4 minute recap of the May 7 Deep-Dive.

DIGITAL EMPLOYEE EXPERIENCE



Learn more about this expansive project from the HR and Tech project leads.

OTHER TOPICS

- . Hiring at Nike: Digital training for U.S. hiring managers is coming in Q1.
- All-Employee Engagement Survey: Survey results and next steps.
- *NEW* NIKE Internship Program (U.S.): WHQ welcomes interns starting May 29.
- Inside the Lines + Speak Up Portal: Deadline for Code acknowledgement is May 31.
- Stock Admin: Reminder: Stock activity blackout in effect until June 3 at 6:30 a.m. PT.
- WiN Portal: Check out the latest enhancements, including single sign on.

FYI: OTHER THINGS YOU SHOULD KNOW

- Provide your feedback on the Global HR All Hands and watch the recording (coming soon) if you missed it.
- Get the latest HR branding guidelines and tools (templates, fonts, logos, and more). All HR employees should have access to the NIKE HR Branding page. Contact the NIKE HR Website Support team if you have access issues.
- Summer Hours (where applicable) begin soon and will be communicated to employees shortly. More details can be found on the NIKE HR Website.
- On May 6, the Benefits Operations team rolled out a new training on the **U.S. Health insurance Portability and Accountability Act (HIPAA).** HIPAA protects the Personal Health Information (PHI) of Nike employees and their dependents. Certain groups who may encounter PHI as part of their job are required to take the training, available through NikeU. It should take no more than 45 minutes and be completed by June 14. A <u>condensed version</u> of the training is now also available to any Nike employee who is interested in learning more about HIPAA. Contact <u>HR</u> <u>Direct</u> with questions
- BenefitsMarketplace is planned to launch in China on May 20. Employees in China will be able to access information about their benefits anywhere, anytime, on any device. Check out this video and poster to learn more about what will be provided.
- The team is working through finishing touches on the refreshed Global Career Site (jobs.nike.com); exact launch date will be determined soon. The refreshed site will help amplify Nike's voice in the crowded talent marketplace, harmessing the power of the Nike brand with an emphasis on appealing to all candidates, no matter where they are. We will provide a sneak peek of the site and more information in advance of the go-live.
- Many of you just completed NiKE's first ever Manager Access Review to clean up old data access left over from past jobs at Nike. Phase two is Job Mover Access Review so we can
 maintain security access levels moving forward. Starting May 20, when a manager adds someone new to their team (an FTE or ETW from within Nike), they'll be prompted to review and
 remove old access, only keeping access levels appropriate to the current role. This works best when managers involve their new teammate to review together. For more info, visit the CIS
 identity And Access Management SharePoint page.

IMPORTANT DATES

- MAY 2-31: <u>Inside the Lines</u> acknowledgement (E band and above)
- MAY 8-24: Enter <u>CFE</u> ratings in the MEportal
- MAY 10-JUN 3: Stock Admin Transition E*TRADE blackout
- MAY 15: JDI Awards nominations close
- MAY 20: <u>BenefitsMarketplace</u> launch (China)
- MAY 21-22: OTPR
- MAY 29 & JUN 18: Intern cohort crientation (WHQ)
- JUN 3: Use Fidelity for <u>stock</u> plan management
- JUN 5-18: Enter APR pay recommendations in SuccessFactors

ATTENTION! This webpage is hosted on NAVEX Global's secure servers and is not part of the NIKE website or intranet.

NIKE HR ZERO

SPEAK UP PORTAL

REPORT A CONCERN FOLLOW UP CODE OF CONDUCT COMMONLY ASKED QUESTIONS

SPEAK UP PORTAL

NiKE, Inc. firmly believes in — and advocates for — a culture where all employees feel respected and included. We know we are strongest when everyone's voice is heard and when we are all aligned to a shared future and connected to our values with a true sense of belonging. We urge every employee to speak up if they experience something that does not allow with NIKE's values and policies.

NIKE does not tolerate retaliation against any employee who reports in good faith a suspected violation of law or policy, or who participates in any investigation of a reported concern.

Through this site, you may report actual or suspected misconduct or concerns relating to NIKE's Code of Ethics; including, but not limited to, harassment, retatiation, discrimination, conflict of interest, compution, accounting, financial reporting, fraud, theft, discount and comp product abuse, health, safety, privacy and protection of information. You can also use this site to follow up on a prior report, or ask questions relating to NIKE's Code of Ethics and related policies.

For all reporting on this site, NIKE has partnered with an external issue reporting firm. NAVEX Global collects reports and routes them to the correct channels at NIKE (Legal, Human Resources or Employee Relations). If you choose to remain anonymous, no identifying information will be passed along to NIKE with your report (with the exception of Spain and Portugal, which has specific legal requirements).

Please do not use this channel to report emergencies. In case of an emergency, contact local authorities immediately.







REPORT A CONCERN

ASK A QUESTION

if you have a question about reporting a concern or on NIKE's

Code of Ethics and related policies, ask us.

FOLLOW UP

This is where you file a report; you can share your name or nemaln anonymous.

START HERE

START HERE

Click here to follow up on a concern you reported or question you asked.

START HERE

Privacy Statement | Acceptable Use Policy | Contact NAVEX Global

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REPORT A CONCERN

Your report will be collected by NAVEX and sent to NIKE. You may choose to remain anonymous (except in Spain and Portugal).

However, providing a contact method (an email address or selephone number) does help us follow up with you to get more information,

If seeded. If you choose to remain anonymous you will need to log back into the system to follow up — you can do that with the report

key/password that is provided to you when you submit your concerns.

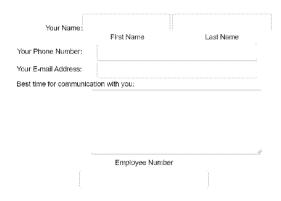
REPORT DETAILS

Please provide information as follows:			
* What is your relationship to NIKE?			
- Select One -			
* Would you like to allow NIKE to know your identity?			
₩ No ₩ Yes			

If yes, please complete the following:

If you provide your name and contact information, we will be able to connect with you directly if we need more information, or to let you know we have completed our review. If you remain anonymous, you will be able to access status updates or check for follow-up questions, if any, when you log back into the website with your report key and password.

We know that raising concerns takes courage, as does identifying yourself in the process. Please know that NIKE does not tolerate retailation against anyone who raises concerns or makes a report in good faith, and we encourage you to provide some form of contact information so that NIKE can connect with you directly. We also appreciate the desire for individuals to remain anonymous — but keep in mind that remaining anonymous may limit the ability to thoroughly investigate your concerns, though NIKE will do so to the best of its ability.



 $\ensuremath{^{\circ}}$ Please identify the person(s) engaged in this behavior:

	First Name	Last Name	Title
#1			-[
#2			-[
#3			-
#4			-
#5			-(

if you do not know the persons name please enter "Unknown" or do the best you can to describe below.

Have you previously reported this concern?

If so, to whom did you communicate and what was the response?
Where did this incident occur?

Davis Decl. Exhibit 79, Page 1 of 2

	ident may not have occurred in a particular location if this incident was observed in documentation or by pinace transactions, please incidents if
	business transactions, please indicate if. When did this incident occur?
	Milen and and including occul :
-	(s) or file(s) that you would like to share in support of your report, please uplo- ing on the link below. Most commonly used file types can be uploaded.
droiti by one.	
Classe use th	Click here to upload files
Please use ti	he box below to provide a summary of your concerns in 1-2 sentences.
* In the how between	long mystide details recording your government in the firm the course of
	ease provide details regarding your concern, including the names of person(s : of witnesses and any other information that could be valuable in the review,
	investigation and resolution of the concern.
ease take your time and pre	ovide as much detail, information, context as possible to help NIKE evaluate, investigate if necessary
	respive the concern raised.
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with the password you cre	ate below, to return to the Speak Up Portal – through this website or by telephone – after 4-5 business
with the password you cre	ate below, to return to the Speak Up Portal — through this website or by telephone — after 4-6 business 4-5 business days, you will have the opportunity to review any follow-up questions or submit more information about this incident.
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with the password you cre	Please choose a password for this report: * Password: * Re-enter Password: Your password: Your passwords must match and be at least four characters long. * Yes - I agree to the Terms and Conditions of making this report.
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Davis Decl. Exhibit 79, Page 2 of 2

NIKE. INC.'S CODE OF CONDUCT AND SPEAK UP PORTAL

LEARN ABOUT HOW NIKE, INC., TEAMMATES CAN USE INSIDE THE LINES AND THE SPEAK UP PORTAL TO DO THE RIGHT THING FROM EVP, CAO AND GENERAL COUNSEL HILARY KRANF

"I am a member of a feam, and f refy on the team. I defer to it and sacrifice for it, because the feam, not the individual, is the ultimate champion." — Mia Hamm, two-time Olympic gold medalist and two-time FIFA Women's World Cup champion

Team.

Today we are introducing our refreshed Code of Conduct. Inside the Lines, which provides an overview of the laws, regulations and company policies that apply to us and the work we do. We are also highlighting our Speak Up Portal — formerly the Alertline — a direct, streamlined and confidential way to report misconduct and ask questions. These tools are both critical to helping us Win as a Team.

Here are more specifics on each:

Inside the Lines

Each one of us makes choices at work that can impact NIKE, inc.'s reputation and trust with consumers, teammates, investors and stakeholders. As a team, we should all look to support one another and the best interest of the collective. What we do as individuals matters — and so does our judgment

Our Code of Conduct provides the legal framework and essential behaviors to help us make the right decisions. We require our employees and Board of Directors to comply with both the letter and spirit of the Code and do things the right way, acting with the principles the world expects from NIKE. Specifically, we expect each employee to 1) Speak Up, 2) Play Fair and 3) Act Like an Owner.

Please familiarize yourself with the Code, which we hope you'll find straightforward and connected to our Maxims. Spend time digging into the scenarios and linked resources. You should use Inside the Lines to help you navigate the new and complex choices you'll be faced with as NIKE evolves.

Speak Up Portal

If you ever see or experience something that does not align with NIKE's values and our Code, or if you have a question about the Code, you should feel empowered to speak up. Our Speak Up Portal — which offers access to both a telephone service and an online platform — is one of the resources available

NIKE partners with a third party, NAVEX Global, to administer the Speak Up Portal, When NAVEX receives a concern or a question, they route it to the best NIKE expert to address the matter, all while respecting and preserving confidentiality, and where permissible by law, the anonymity of the person reporting the concern or asking the question. This service is available 24 hours a day, 365 days per year.

Our ask is straightforward: Do the Right Thing and use Inside the Lines and the Speak Up Portal to help you do so.

Hilary Krane

EVP. Chief Administrative Officer and General Counsel

TAGS

CODE OF COMPRET CULTURE INSIDE THE LINES SPEAK UP PORTAL

COMMENTS Please Sign in to leave a comment ACCOUNTED INC. ALL COLLEGE PERSONS

Davis Decl. Exhibit 80, Page 1 of 1

Case 3:18-cv-01477-JR Document 210-3 Filed 04/14/22 Page 91 of 158

INSIDE THE LINES

Translations Sceal Up Portal Help

MARCH 27, 2019

A MESSAGE FROM MARK

At Nike, we serve athletes ... billions of them. We have a unique opportunity: to elevate human potential on a global scale. We inspire people everywhere to do more, to be healthy and to celebrate the power of sport.

Realizing this opportunity requires us to unleash our teams to perform at our fullest. This means strengthening the foundation of how we work. Each one of us shapes Nike's culture through our words and actions. We all have a role in building a diverse and inclusive culture that promotes a commitment to each other – a culture where every employee can show up as their authentic self and do their best work.

That effort starts with the Maxims. Our Maxims serve as our guiding principles – giving us a sense of focus and energy, defining our responsibilities to ourselves and to the athletes we serve.

If our Maxims serve as our compass, then our Code of Conduct is our road map.

The Code of Conduct is, at the most basic level, an explanation of the conduct we expect Nike employees to follow to comply with laws and ethical practices. Adhering to the Code of Conduct is vital for Nike's success and it applies to everyone, at every level. Making good choices builds trust within our team and with our consumers and business partners.

But the Code is about more than compliance and ethics. By agreeing to this vision as a team, we embrace the belief that our choices and actions define who we are and how we work.

I am proud to introduce this refreshed edition of Nike's Code of Conduct. The principles they reflect are timeless, but the content has been revisited and enhanced to make it easier to follow and more relevant to our jobs today – and tomorrow. It is written to be deeply read, and to spark your thinking.

Our Code of Conduct goes beyond business guidelines. It's a unifying idea that we can all act on, together.

Cheers.

Mark

20





SPEAKUPPORTAL

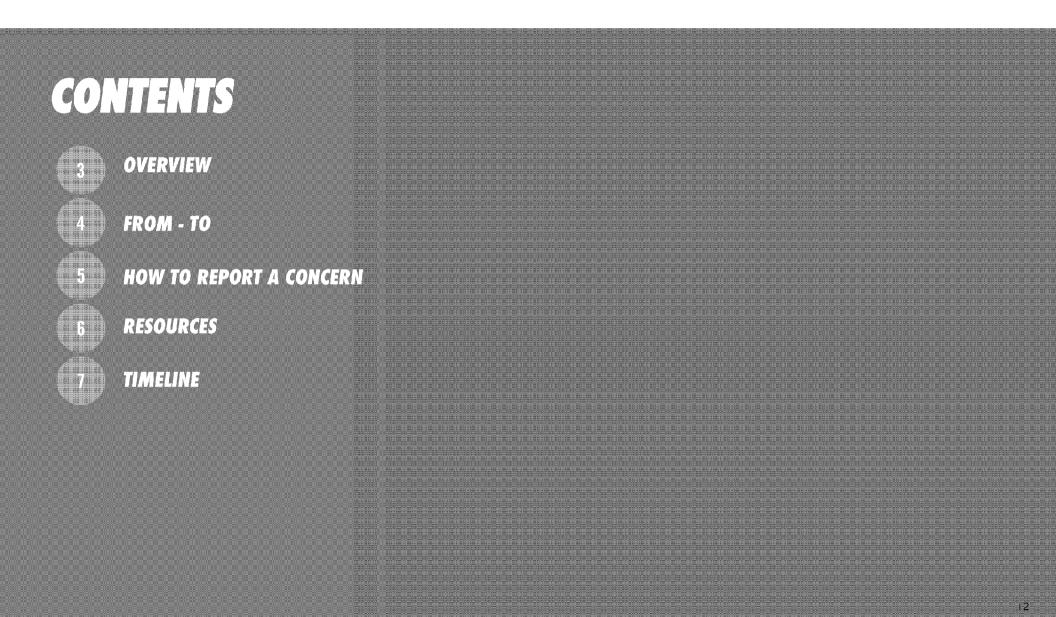
HR PREVIEW







Davis Decl. Exhibit 82, Page 1 of 8



Davis Decl. Exhibit 82, Page 2 of 8

OVERVIEW: WHAT IS THE SPEAK UP PORTAL?

AN ONLINE PORTAL FOR REPORTING CONCERNS

Nike's online portal for reporting actual or suspected misconduct or concerns relating to NIKE's Code of Ethics; including, but not limited to:

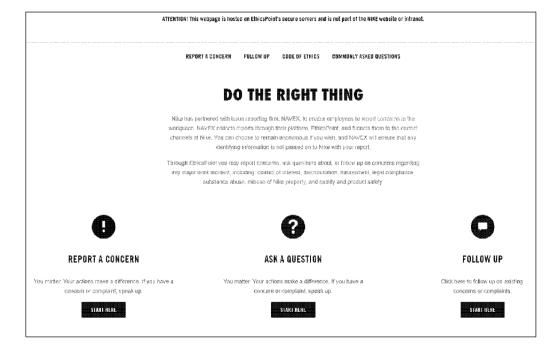
- Accounting and Financial Reporting
- Ethical Business Conduct
- Fraud, Theft & Discount Abuse
- · Health, Safety & Security
- Matter of Respect
- Privacy and Protection of Information
- Product & Process Concerns

Users can also follow up on a prior report, or ask questions relating to NIKE's Code of Ethics and related policies.

MANAGED BY A THIRD-PARTY VENDOR

Nike has partnered with an external issue reporting firm. NAVEX Global collects reports and routes them to the correct channels at Nike (Legal, Human Resources or Employee Relations). For employees who choose to remain anonymous, no identifying information will be passed along to NIKE with their report.*

*Due to local legal requirements, reports may not be submitted anonymously in Spain and Portugal.



Anyone can report a concern via the Speak Up Portal (including current and former NIKE, Inc. employees, ETWs, and vendors).

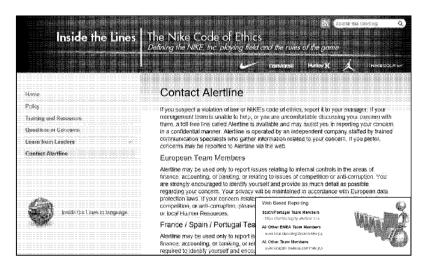
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Davis Decl. Exhibit 82, Page 3 of 8

WHAT'S CHANGING?

FROM

- Web based reporting of concerns via Inside the Lines (linked at bottom of "Contact Alertline" page)
- Three URLs on Inside the Lines lead to three different websites
- AlertLine telephone numbers accessible via Inside the Lines
- Old website (poor user experience and outdated branding)
- Limited issue types + intake questions

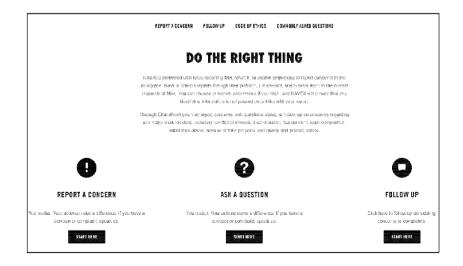


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EMEA - Current legal and privacy technical configurations remain the same until after legal research and recommendations are implemented post-February 1.

TO

- Web based reporting of concerns easily accessible via the new Speak Up Portal: SpeakUp.Nike.com
- All URLs redirected to Speak Up Portal
- · Telephone numbers by location available on Speak Up Portal
- New branded website delivers improved user experience
- Expanded intake questions + issue categories



Davis Decl. Exhibit 82, Page 4 of 8

HOW TO REPORT A CONCERN

CONCERNS CAN BE RAISED VIA ANY OF THE FOLLOWING OPTIONS:

- Manager/HR Manager/HRBP
- HR Direct 🖵 🖂 🗍
 - o Online Contact Form
 - o Live Chat
 - o HRDirect.Americas@nike.com
 - o HRDirect.AsiaPacific@nike.com
 - o HRDirect.Europe@nike.com
- Employee Relations 🖂
 - o Employee.relations@nike.com

- - o matterofrespect@nike.com
 - o (+01) 503-532-4444
- Speak Up Portal 🖳 🗒
 - SpeakUp.Nike.com
 - Telephone numbers by location available online

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Davis Decl. Exhibit 82, Page 5 of 8

RESOURCES

THE FOLLOWING TOOLS + RESOURCES ARE CURRENTLY AVAILABLE:

FAOS ON THE SPEAK UP PORTAL

REPORT A CONCERN

FOLLOW UP

CODE OF ETHICS

COMMONLY ASKED QUESTIONS

DO THE RIGHT THING

Nike has partnered with issue reporting firm, NAVEX, to enable employees to report concerns in the workplace. NAVEX collects reports through their platform, EthicsPoint, and funnels them to the correct channels at Nike. You can choose to remain anonymous if you wish, and NAVEX will ensure that any identifying information is not passed on to Nike with your report.

Through EthicsPoint you may report concerns, ask questions about, or follow up on concerns regarding any major work incident, including: conflict of interest, discrimination, harassment, legal compliance, substance abuse, misuse of Nike property, and quality and product safety.

(click images to view online)

ADDITIONAL RESOURCES ON ACCOUNTABILITY AT NIKE



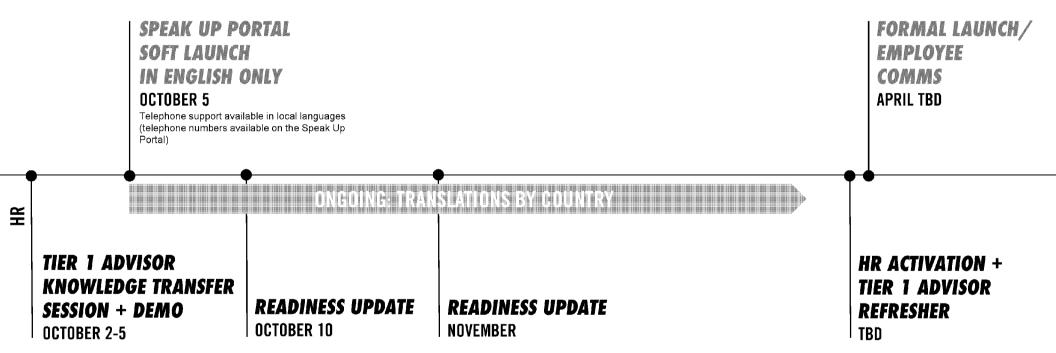
Access to tools and resources including: How to Speak Up + Play Fair, Corporate Policies and more.

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۱6

Davis Decl. Exhibit 82, Page 6 of 8

TIMELINE



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17

DO THE RIGHT THING

HR READINESS

Davis Decl. Exhibit 82, Page 8 of 8



LEADER TOOLKIT // APRIL 2019

Davis Decl. Exhibit 83, Page 1 of 7

EXECUTIVE SUMMARY

We're now nearing our Year-End Process, which is comprised of performance and pay. The performance process (Coaching for Excellence, or CFE) will remain the same. However, we'd like to make you aware of some changes to the pay process — now called Annual Pay Review, or APR. APR consolidates previously separate annual reward events, including: Global Performance Rewards (GPR), 2X/Mid-Year Pay Review, Competitive Pay Management and the Annual Stock Process.

This work is a continuation of FY19's Total Rewards enhancements, including: One PSP, Competitive Pay Management, Nike Stock Choice and a new Total Rewards Portal.

The new Annual Pay Review process will help managers make informed, competitive and equitable pay decisions.

In this toolkit you'll find:

- A summary of the changes
- Timeline
- FAQs

If you need support understanding these changes, please contact your HRBP.

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ANNUAL PAY REVIEW: WHAT'S CHANGING

COMPETITIVE PAY MANAGEMENT (CPM)

We are committed to evaluating pay every year to ensure competitive and equitable pay for all employees — and in 2018, we introduced CPM.

We don't anticipate that most employees will receive a competitive pay adjustment, however, there are times when one is recommended.

FROM: In 2018, this process (analysis and recommendations) was done entirely through Excel spreadsheets.

TO Moving forward, all recommendations will be loaded into SuccessFactors for review

CORE PAY INVESTMENTS

Base Pay is made up of Core Pay + Competitive Pay Adjustments.

FROM: Base pay increase recommendations informed by the CFE rating.

Pre-populated, market competitive base pay increase recommendations in SuccessFactors, based on the employee's country and position in range.

Managers can further invest by selecting pre-determined, fixed increments from a dropdown list or can remove the increase all-together.

Now, managers will take into account a variety of performance, talent and payrelated considerations. CFE ratings no longer drive the default core pay increase, but should be used as a reference point.

STOCK AWARDS

FROM: Managed through Excel spreadsheets at CLT level, with minimal visibility for managers throughout the process.

Market competitive stock awards are pre-populated in SuccessFactors based on the employee's country and band.

Managers can further invest by selecting pre-determined, fixed increments from a dropdown list, or can decrease or remove the award.

Throughout the Executive Review process, managers will **maintain visibility** into award recommendations.

DASHBOARDS & REPORTING

FROM: Limited, static and disparate reporting available to managers throughout all pay processes.

Standardized reporting available in SuccessFactors to provide leaders and managers with greater visibility into pay adjustments throughout the process.

PAY STATEMENTS

FROM: Managers print out pay statement, with employee-level details only, to support pay conversations.

Enhanced statement available in SuccessFactors with employee details, additional program details and enhanced formatting to enable managers to have a richer, more informed conversation.

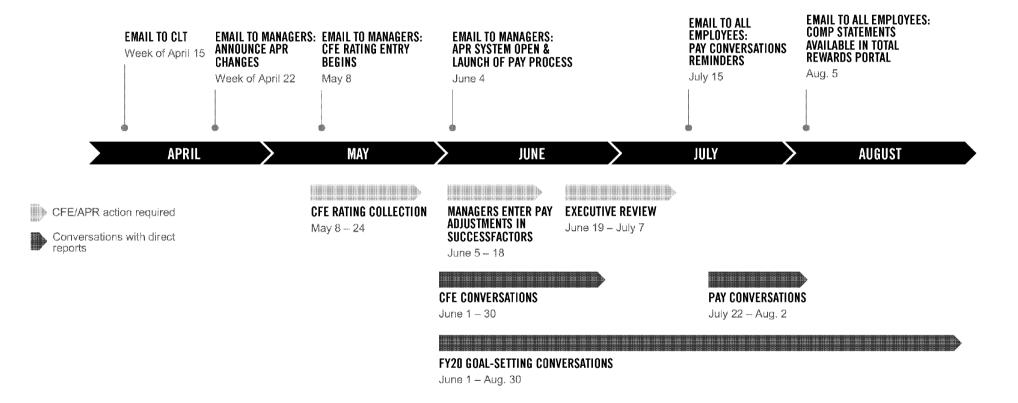
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3

Davis Decl. Exhibit 83, Page 3 of 7

YEAR-END PROCESS TIMELINE

EMAIL DATES SUBJECT TO CHANGE



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Davis Decl. Exhibit 83, Page 4 of 7

GLOBAL APR PHASES

PLANNING & REVIEW OCCURS IN PHASES FROM JUNE 5 — JULY 7:

- During Manager Planning, all managers including CLT must make all pay adjustments
- During Executive Review, leaders will review adjustments for their orgs

M 90 90 90 90 90 90 90 90 90 90 90 90 90		EXECUTIV	EREVIEW	
MANAGER PLANNING	E+ REVIEW	E7+ REVIEW	E5+ REVIEW	E4+ REVIEW
Open: June 5Close: June 18	Open: June 19Close: June 23	 Open: June 24 Close: June 26	Open: June 27Close: July 1	Open: July 2Close: July 7
 Edit Access: All managers 	 Edit Access: E+ managers 	 Edit Access: E7+ managers 	 Edit Access: E5+ managers 	 Edit Access: E4+ managers
	 View Access: V-U managers 	 View Access: V-S managers 	 View Access: V-E6 managers 	 View Access: V-E5 managers

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Davis Decl. Exhibit 83, Page 5 of 7

FAQs

Why is NIKE making these changes to the pay process?

The Annual Pay Review (APR) process strongly aligns to our Total Rewards principles by focusing on competitive and equitable pay, and linking pay to performance. We also saw an opportunity to streamline several manual pay processes. Introducing a default award recommendation gives managers a consistent and competitive starting point for pay. Allowing managers to further invest in their employees enables them to continue to differentiate pay based on performance and/or impact.

How does CFE relate to the pay process?

Both CFE and APR are part of the Year-End Process. Performance continues to be an important factor when determining pay, however, other inputs include current position in range, future potential, impact of loss, risk of loss, time in role and pay relative to peers. Managers will continue to differentiate base pay and stock awards for their employees to connect individual performance to pay.

How will these changes benefit employees?

Employees will continue to receive competitive awards, as they have in the past. In addition to making pay adjustments based on CFE ratings, managers will take into account a variety of performance, talent and pay considerations to ensure competitive and equitable pay. This creates greater impact, focus and consistency in our approach, while ensuring appropriate movement through a pay range.

How does NIKE reward performance and impact?

Company performance plays a key role in short-term incentives (like Annual Bonus — PSP) and long-term incentives (like Annual Stock Awards), while individual performance affects rewards like base pay, increases, milestone bonuses and promotions into roles with increased scope and complexity. When managing pay for their teams, managers consider prior year performance and impact over time (like the ability to create value for the team and business) among other factors.

Did 2X/Mid-Year Talent & Pay Review go away?

The 2X/Mid-Year Talent & Pay Review will now be consolidated into the Annual Pay Review when managers make adjustments for their employees.

How are Core Pay budgets determined?

Base Pay is made up of Core Pay + Competitive Pay Adjustments. Each year, NIKE's Total Rewards team reviews country and location-specific market data to determine the budget required to ensure competitive pay. This data is gathered from third-party survey companies that use best practices to validate the data. Each employee is assigned a budget percentage based on their payroll country and it rolls up in SuccessFactors on a 'Reports To' basis. Going forward the Core Pay budget and 2X budgets will be combined in SuccessFactors to ensure managers can appropriately invest in their employees.

What is the process for making corrections to awards after APR?

We are moving to a global process with pre-populated recommendations that we anticipate will minimize the need for corrections. All managers are expected to make adjustments during the two-week Manager Planning window (see slide 5). An additional two weeks is provided for Executive Review, during which leaders can review adjustments. If a change is required after Executive Review, the manager must complete the correction template, get approval from their HRBP and email the approval to their ELT -1 leader to request their approval. If approved, the manager submits the request to HR Direct for processing, along with the template and copies of all emails documenting required approvals.

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Davis Decl. Exhibit 83, Page 6 of 7



Davis Decl. Exhibit 83, Page 7 of 7





Davis Decl. Exhibit 84, Page 1 of 25

KEEP IT TIGHT. FOR ER INTERNAL USE ONLY

EMPLOYEE RELATIONS

INVESTIGATION PLAYBOOK TABLE OF CONTENTS

OUR APPROACH	WE ARE EMPLOYEE RELATIONS
	OUR INVESTIGATION PHILOSOPHY
	ESCALATION MATRIX
	OUR GUIDELINES
	PROCESS OVERVIEW
INVESTIGATION PROCESS	
INTAKE	RECEIVING THE CASE
	INTAKE ASSESSMENT
	COMMUNICATION & CASE UPDATES
THE WORK	INVESTIGATION PREP AND PLAN
	COMPLAINANT INTAKE
	INTERVIEW PREP AND PLAN
	INTERVIEWING
	ASSESSING CREDITABILITY
	COMMUNICATION & CASE UPDATES
THE OUTCOME	INVESTIGATION OVERVIEW
	OUTCOME AND RECOMMENDATIONS
	COMMUNICATION & CASE UPDATES
CLOSURE	CASE CLOSURE TO COMPLAINANT
	CASE CLOSURE DOCUMENTS
	POST RESOLUTION ACTIONS
	COMMUNICATION & CASE UPDATES
	POST RESOLUTION CHECK INS
TOOLS	CASE MANAGEMENT
	COMMUNICATION TEMPLATES
	DOCUMENT TEMPLATES

OUR APPROACH

GLOBAL EMPLOYEE RELATIONS INVESTIGATIONS

WE ARE EMPLOYEE RELATIONS

The Global Employee Relations (ER) team guides Nike, Inc. (Nike) through work force issues by investigating workplace concerns and delivering impartial insights and recommendations based on the outcome of the investigations. The information provided in this playbook is intended to assist ER team members with resolving work place concerns.

Employee Relations exists to protect and promote Nike's shared values and culture of Respect, Inclusion and Accountability by empowering Nike Inc. and all employees to Do the Right Thing. One of the way Employee Relations does this through its' responsible to investigate workplace concerns involving (but not limited to) matters that are perceived to violate Nike's Matter of Respect, Conflict of Interest, Social Media, or other workplace policies governing employee behavior or action. ER also collaborates with other stakeholders (such as Loss Prevention, Global Investigations, Corporate Audit and others) on investigations that could result in significant employment actions. This Playbook is designed to provide structure and guidelines to conducting ER Investigation.

Additionally, Employee Relations guides others (Business, HR, and others) on how to conduct work place investigations. Often, investigations led by others result in an employment impact (Disciplinary Action, Termination, Bonus Impact, Performance Rating Impact, etc.). Where appropriate, the guidelines, approaches and best practices outlined throughout the playbook are intended to be applied to investigations where ER is playing the advisor role.

HOW WE RECEIVE CONCERNS

As required by applicable laws, Nike provides multiple channels for employees to raise concerns. Therefore, ER receives employee concerns in a variety of ways including: phone calls, letters, social media, emails, the Speak Up hotline or web portal, etc. Concerns can be received from employees, fellow HR colleagues, HR Direct, vendors, and consumers. Upon receipt, ER assesses the concerns, next steps (Advice, Mediation, Investigation) and determines whether ER or other Key Partners should investigate. Other investigative partners include: Resilience, Legal, Corporate Audit, Brand Protection, Nike Direct Loss Prevention and Corporate Information Security.

ER facilitates investigations to:

- Attempt to gain full, objective understanding of the facts
- Support and Promote Nikes Culture of integrity and mutual respect
- Recommend measures to prevent, stop, and deter future inappropriate conduct in the work place
- Foster consistent administration of employment practices

This Playbook is intended to facilitate a globally consistent approach to ER investigations and the processes contain within should be used by ER team members, except where otherwise required or prohibited by applicable law.

OUR INVESTIGATION PHILOSOPHY

The ER team will follow a disciplined, unbiased approach in gathering facts and investigating workplace concerns. ER's role is to gather facts and leverage investigation findings to consult, empower and enable managers to make informed, consistent, balanced decisions that align with Nike's culture of inclusion and respect.

Elements of an Effective Investigation

- 1. Conducted by impartial investigator, in a timely manner, in accordance with applicable legal regulations
- 2. Designed to ensure appropriate witnesses are interviewed and relevant facts are uncovered
- 3. Prompt and thorough
- 4. Well-documented
- 5. Results in reasonable conclusions
- 6. Confidentiality is properly protected
- 7. Results and action steps appropriately communicated to those involved
- 8. Take appropriate steps to end inappropriate conduct and deter future similar conduct

Elements of an Effective Investigator & Things to Consider Before Taking the Investigation

Effective investigators must be:

- Neutral/Independent
- Free of perceived or actual conflicts of interest
- Appropriately trained
- An effective communicator
- Confident in his/her ability to do the investigation
- Comfortable with the subject matter

Things to consider before starting an investigation:

- Type of complaint
- Who takes the lead
- Band level of complainant, alleged wrongdoer, and witnesses

Appropriate stakeholders

- Positions, personalities, and backgrounds of the people to be interviewed
- Training of investigator
- Does in-house or outside counsel need to be involved due to need for attorney-client privilege



CASE MANAGEMENT MATRIX

The following matrix will help you assess when and Employee Relations Specialist, Manager Director or Senior Director or other partners should lead in Coaching/Consulting, Mediation or Investigation of work place concerns.

MATTERS LED BY ER SPECIALISTS	MATTERS LED BY ER MANAGERS OR ABOVE
Cases that are routine, repetitive and straight forward that have low legal/safety risk	Managers conduct workplace investigations allegations of Inappropriate conduct, Harassment and/or Discrimination and other serious violations as outlined in
EXAMPLES: Attendance/performance/accommodation, business led investigations, performance management, safety compliance (ex: fail to lock the doors), discount abuse, corrective action consultations, Non-Title 7/Protected Class concerns, conflict of interest, simple policy violations that do not warrant an investigation.	Nike's Matter of Respect Policy.
Provide guidance in resolving low risk Matter of Respect Policy Violations EXAMPLES: Bullying or Rudeness, Use of Profanity. Situation that can be resolved by the line manager with the employee, and/or plus one manager and/or HRBP. Consultation matters related to mediation of interpersonal differences or advising on training needs.	Manager evaluate, mediate, or investigate matters that have legal risk and increased complexity (matrix, multiple complainants, union implications, multiple stakeholders, multiple HRBPs) or where long tenured employee where employment may be impacted (Final Warning, Termination) and allegations indicating systemic issues in pay, promotion.
ESCALATE TO ER MANAGER OR ABOVE When uncertain or potential of higher-level risk (i.e. legal, safety, media), partner with your ER Manager for guidance. The ER Manger will advise on whether the Specialist continue to lead the matter or to assign the matter to the ER Manager.	CONSULT/ESCALATE TO ER DIRECTOR OR SR ER DIRECTOR Cases where extensive investigation required, language barriers exist, multiple legal considerations or countries involved. Quid Pro Quo (Conflict of Interest), Sexual Harassment. When uncertain or potential higher-level risk (i.e. legal, safety, media, executive leadership involved), consult with your Employee Relations Director or Senior Employee Relations Director.

MATTERS LED BY OTHER PARTNERS

The following outlines the Nike functional teams that are typically responsible for leading investigations. Note that the teams listed below often partner closely and sometimes take on an investigation that may (at first or as things progress) not be clearly "owned" by that team.

Often, Employee relations is a thought partner in multi-discipline investigations and may be required to provide guidance in matters that result in employment impact (Corrective action leading up to Termination of Employment and other post resolution activities – i.e. after care)



THIS TABLE WILL BE UDPATED IN THE FUTURE WITH ADDITIONAL PARTNER INFORMATION

ORGANIZATION	RESPONSIBILITIES
RESILIENCE	Investigations of internal and external threats and criminal acts including any acts of violence, industrial espionage, intellectual property and
	proprietary information theft, cybercrime, embezzlement, theft and
	misappropriation of any property and products, fraud or any other matters deemed appropriate for internal investigation. Principle liaison to federal, state, local and international law enforcement, intelligence, public safety and national security agencies. Physical, travel, event and product security, and Executive Protection.
LEGAL	Investigations of alleged regulatory violations by Nike, Inc., its employees, subsidiaries, and partners, both domestically and internationally, including but not limited to, alleged violations of laws related to accounting fraud, financial reporting, and corruption. Also investigates all matters that may reasonably result in litigation brought against Nike, Inc. or its subsidiaries. Liaison to outside counsel and regulatory authorities.
CORPORATE AUDIT	Investigates cases related to finance and accounting issues of fraud, waste and abuse. Stakeholder in issues such as conflicts of interest, theft, embezzlement, asset misappropriation, etc.
BRAND PROTECTION	Investigations regarding the manufacture, distribution, marketing and sale of counterfeit products in the physical world and online. Supports investigations into the source of parallel trade and potential breaches of transshipping prohibitions by accounts.
HUMAN RESOURCES/EMPLOYEE RELATIONS	Investigations of HR policy violations. Including rational Conflict of Interest. Partnering with Loss Prevention (LP) for minor theft and discount abuse in Direct to Consumer (DTC) to ensure consistency in outcome. In all investigations, partners with stakeholders to ensure consistent outcomes, positive employee experience and documentation of details (as appropriate) in HR Case Management system.
DIRECT OT CONSUMER LOSS PREVENTION	Investigates cases with direct impact to retail stores, nike.com and swoosh.com involving theft, fraud, loss or misappropriation of company property, violence in the workplace, or property damage.
CORPORATE INFORMATION SECURITY	Ownership of technologies to secure Nike, Inc. networks, systems and information. Responsible for information security policies, virus protection, security operations monitoring, network security architecture along with internet threat intelligence and response. Support for and leading of investigations involving matters of information security, digital loss, intellectual property/design exposure or broad system compromise for the enterprise and digital.

OUR GUIDELINES AND SERVICE LEVEL AGREEMENTS

The guidelines and expectations listed below will be followed for all ER investigations, unless prohibited by applicable law.

- When applicable, manually initiated cases will be created in the Case Management system within 24 hours of intake.
- 2. Initial contact with Complainant will occur within 24 hours of intake/case assignment
 - a. Personal contact whenever possible (telephone/BlueJeans)
 - b. When personal contact is not possible, by email using standard verbiage/templates
- 3. All investigation participants will receive regular status updates during the investigation process
 - a. No less than every 7 business days, in person when appropriate or using standard verbiage templates
- 4. Case fields will be accurately and thoroughly documented in RN daily and in real-time, after the interview/incident/occurrence, to ensure complete and accurate reporting
- 5. Final investigation documents, including investigation report, are to be included no more than 10 business days of changing state to "Closure"
- 6. Investigations should be completed within 30 business days, if your investigation may extend beyond 30 business days, partner with your leader.
 - ER should partner with HRBP's and business leaders to ensure that participants are available for interviews
 - b. Interviews should be arranged as close in time as possible to allow for consistency and timeliness
- 7. All required case documentation will be completed for the investigation in a timely manner, using standard templates provided.
 - a. ER will partner with HRBP's and business leaders to ensure that any follow up actions/aftercare agreed upon are documented with dates and "owners"
 - b. ER will follow up to ensure accountability regarding follow up actions and escalate to appropriate HR and business leaders if actions are not taken in a timely manner (EXAMPLE: Warnings/Coaching's should take place within 30 business days of action date and documentation sent to the RN case file.
- 8. All participants (Complainants, Persons of Interest, Key Stakeholders, Witnesses if applicable) in the investigation will receive an Investigation Closure Communication.

MORE INFORMATION COMING SOON REGARDING CLOSURE COMMUNICATION CONTENT TO ALL PARTICIPANTS.

- 9. Restoring Org Health (After-Care)
 - ER will monitor, track, and ensure completion of all Outcome actions, every 7 business days until the outcome actions are completed.
 - ER will follow up with Complainant and Key Stakeholders, as appropriate, will receive post-investigation follow up contacts 60 business days post investigation and again at 180 business days if appropriate.
 - a. This is to provide additional support, confirm after care activities have been completed, behavior changes and restoration of org health.

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INTAKE THE WORK OUTCOME CLOSURE

Becoming aware of the concern or issue.	Applying ER's expertise to the concern/issue to determine the facts.	Presenting the fact findings to the Business.	Actions based on the Outcome.
Multiple Channels24/7 Submission of	Consultants/Thoughts Partners	Conclusions Recommendations	Corrective Action Remediation
Concerns/Issues (via Speak Up Portal)	• Investigations	• Advice	 Restore Org Health (After-Care) Development/Capability Building Documentation Communication
	Develop Investigation Plan Conduct Interviews Corroborate Evidence	Corrective Action Phase	Create Investigation Report Investigation Closure Post Resolution Follow Up

INTAKE

BECOMING AWARE OF THE CONCERN OR ISSUE

Employee Relations may receive concerns from the following channels:

- HR Direct Advisors
- Speak Up Portal
- Matter of Respect Hotline
- Direct Contact (Phone Call/Email/Text Message/Meeting/Walk Up)
- Communication to manager, leader, HRBP that is passed to ER
- Legal / Loss Prevention / Global Resilience/Other Accountability partner
- From Nike Executives

Keep in mind, you will need to use your best judgement that some actions may need to be taken prior to the start or completion of an investigation (i.e.- placing employee on paid administrative leave). These matters include but not limited to:

- •Concerns of violence or harassment involving weapons, physical touching, battery, stalking and sexual assault
- Concerns of criminal misconduct, e.g., theft of equipment, money, trade secrets
- Whistleblowing claims & Union Activity

You have the discretion to align on immediate decisions in matters involving workplace violence*.



MORE INFORMATION & TRAINING WILL BE PROVIDED BY GLOBAL SECURITY.

Prior to making a suspension determination, align with appropriate partners (Business/HR/Legal/Security/ER Leadership). Ensure the case is updated with the imminent threat or suspension decision (how and why you reached the decision).

COMPLAINANT INTAKE

Contact the Complainant to schedule an intake conversation even if the concern was submitted via letter or if you have clear details about what happened.

The ER Introduction contains important information regarding confidentiality, retaliation and the investigation process.

 Reference the <u>ER Introduction</u> – this ER Introduction should be used with all parties with information relevant or participants in the investigation

During the Complainant Intake conversation:

- If details are known (e.g. from a letter), inform the Complainant that you have reviewed the complaint and the confirm the known details.
- If details are unknown and/or more information is necessary, proceed with a Complainant Intake conversation/interview to collect the complaint details.

After the Complainant Intake conversation:

• Send the standard Communication (see below) & attach the completed <u>Complainant Intake Form</u> to the Case.

SUMMARY:: INTAKE

RECEIVING THE CASE

- View the assigned case in the RightNow Case Management system
- 2. Identify the applicable Participants
 - Reporter
 - Complainant
 - Person of Interest
 - Witnesses

INTAKE ASSESSMENT

- Review RN for any past or open cases for Person of Interest and/or Complainant to identify possible duplicate cases or historical context
- 2. Review the Participants' information
 - Current Position Information (in RightNow)
 - ER Case History (in RightNow)
- 3. Clarify the concerns of the Complainant so that you are clear on what needs to be investigated.

EXAMPLE: The Complainant alleges he is subject to unfair disciplinary action.

COMPLAINANT INTAKE CONVERSATION

- 1. Conduct the Complainant Intake Conversation
- Refer to the ER Introduction Form
- Refer to the Complainant Intake Form



Concerns may not always be clear. Don't put in your own assumptions.

Be Neutral

Check your BIAS

Remember to thank the Complainant for Speaking Up Remember to provide the Complainant with EAP Resource information, if needed <u>Employee Assistance Program (EAP)</u>



COMMUNICATE

Within 24 hours of the assigned Case, send a communication to the Complainant.



ER COMM_ Intake -Initial Contact to Co

Send recap and email status to Complainant after intake conversation



ER COMM_ The Work - Post Intake t



CASE UPDATES

Enter and/or Update the following:

- Subject Line
- Person of Interest
- Complainant
- Topic
- State: Change from New to Intake
- Date Initiated: Enter applicable date if the RightNow case was manually created after the case was originally initiated
- Attach Completed Complainant Intake form
- Enter/Update Person of Interest & Witnesses
- Enter What's Next

THE WORK

APPLYING ER'S EXPERTISE TO THE CONCERN TO DETERMINE THE FACTS

INVESTIGATION PREP & PLAN

Establishing a clear investigation plan BEFORE taking steps to initiate the investigation is important. It allows the investigator to clarify the concerns, identify the stakeholders, plan for interviews, seek relevant information, and plan for a timely and efficient process. You will need to complete the Investigation Plan Form (this is required for all ER led investigations).

Before starting your investigation, plan the actions you may need to take, such as:

- Make a list of concerns, accused, complainant, and possible witnesses.
- Gather and review any/all applicable documentation (see below)
- Consider appropriate partners/stakeholders to inform and determine when appropriate to inform (prior to interviews or after)
- Determine the preferred order of interviews (Complainant, Person of Interest, Witness use discretion as appropriate)
- Consider partners needed during interviews
- Make a list of potential interview questions
- Schedule interviews as close together in time as possible so that you can move through them efficiently
- Have relevant available documents/copies of policies, etc. in your possession during the interviews
- Reserve a private place for the interviews consider location based on ease of access, security, visibility, etc.
- When applicable, inform relevant stakeholders prior to the start of the investigation (ERD, HR, Business, Legal, etc.)
- Know the resources to which employees can be referred if they need/request counseling, leave, etc.

Gather Relevant Documents

Ask and seek supporting evidence to substantiate information provided by witnesses and/or the employee. Keep copies to use as supporting documentation. Remember to consider country specific legal requirements and limitations.

- ER Case History
- Previous Corrective Action
- Emails, Text Messages, Pictures, etc.
- Employee information from personnel file, SAP or other relevant systems
- Performance reviews
- Prior investigation records

- Policies & policy acknowledgements
- Training records
- Time records
- Badge access records
- Expense reports
- Travel records
- Security video*

Once documents are gathered, review all potentially relevant documents to help you formulate your interview questions, investigation approach and to form reasonable conclusions at the end of the investigation. Keep in mind, use of Security Video/CCTV cannot be used as evidence in some European countries

SUMMARY :: THE WORK - INVESTIGATION PREP/PLAN

INVESTIGATION PREP & PLAN

- 1. Confirm escalations and partner engagement to occur before Investigation Plan/Investigation begins.
- 2. Complete Investigation Prep activities and create Investigation plan
 - Refer to the Investigation Plan Form

GATHER RELEVANT DOCUMENTATION

1. Refer to the Document Collection Checklist

Ensure the proper escalation, partnership and communication has occurred before starting the investigation.



COMMUNICATE

If received, respond to any questions from the Complainant prior to the Intake meeting.

If applicable, inform key stakeholders and partners of the investigation.



ER COMM_ The Work - Key Stakehol



CASE UPDATES

Enter and/or Update the following:

- Witnesses
- Update Topic, if needed
- State: Change from Intake to Taking Action
- Attach Documents Gathered
- Issue Summary (if case has been open for over 30 days)
- Update What's Next

INTERVIEW PREP

Interviews help the investigator to determine who, what, where, when, why and how the event in question took place. You should consider speaking to Complainant the first. Interviewing the Complainant first helps you determine the course and scope of the investigation. The order of the interviews could change based on the allegations, the business and complexity. Calibrate with your manager if you have questions about the order of interviews. Refer to the Interview & Creditability Form to capture your questions and interview notes.

Additionally, it may be necessary to re-interview persons as new facts are revealed during the investigations.

Below are some potential interview questions for all parties:

- In your own words, what happened? This question takes into account both what was experienced or witnessed versus what was perceived. An overview of the incident from the mind of the person interviewed can be helpful to understanding future answers.
- 2. Where, when and how did this take place? Pinpointing timing and location are important to constructing a timeline. This can also lead to other sources for gathering information.
- 3. What did you personally witness (observe, hear, feel, etc.)? This drills down from the first question and tries to separate perception from reality. Depending upon the answer, varying degrees of follow-up questions should be asked to construct a complete picture of the occurrence.
- 4. Who else was present? This helps the investigator to determine if others should be included in the investigations and interviewed. Witness corroboration in addition to supporting facts/evidence helps the investigation to draw reasonable conclusions.
- 5. What was your response or what actions have you taken since the incident? This helps the investigator to determine the impact of the behavior. This question gives the investigator insight to seriousness of the matter and helps the investigator to make reasonable conclusions.

Things to Remember During Interviews

- Start with broad, open-ended questions and move to more specific questions as you get details
- Listen carefully to answers and ask follow-up questions where necessary
- Make sure you understand the order in which things occurred ask for dates/times, etc.
- Use timelines where appropriate to help ensure accuracy
- Ensure you ask for specific wording and put quotes around significant statements do not accept
 generalizations (EXAMPLE: "he called me a bad name" ask the individual to share exactly what was said.)
- Note issues you want to go back to and circle back
- Ask yourself if the story/chronology makes sense
- Consider whether there are any conflicts between the witnesses.
- Disclose information on a need to know basis only
- Request investigation confidentiality (be mindful of country specific legal guidance on confidentiality)
- Refrain from inserting your own personal opinions/bias

Refrain from tape recording or allowing an interviewee to tape record an interview (where legally applicable).



INTERVIEWING

TAKING NOTES:

- Make your notes factual and unbiased
- Write down the date of the interview, and where it took place, and who was present, titles
- Use quotation marks to indicate direct quotes from the interviewee(s)
- Include relevant facts, exclude your own edits and opinion
- Note source of information (first hand or second hand)
 - Note witness' notable behavior/body language. Example: Raised voice, tone change, posturing
- Document refusals to divulge events or witnesses
- Make sure you understand the order in which things occurred
- Use timelines, where appropriate, to help ensure accuracy
- Note issues to which you want revisit or conduct further questioning

ASSESSING CREDIBILITY

Credibility determinations are essential to workplace investigations. In the event there is no eye witnesses, the credibility of the complainant and the accused becomes critical to helping the investigator to determine a reasonable conclusion in the case. Investigators are expected to evaluate factors weighing on credibility and make a determination regarding what the investigator reasonably believes occurred to be an accurate representation of the events.

Factors to consider when assessing credibility include:

DEMEANOR	INCONSISTENCY	CHRONOLOGY
CORROBORATION	PLAUSIBILITY	HISTORY AND MOTIVATION
OPPORTUNITY	BIAS	OMISSION

Demeanor: How interviewee presents himself or herself can be invaluable when judging the truth of conflicting stories and contradictory versions of events.

- What overall impression did the interviewee make on you?
- How did the interviewee react to your questions?
- Was the interviewee friendly, hostile or nervous?
- Was the interviewee forthcoming or did the investigator have to pry the information out?

By observing body language and speech patterns at the beginning of the interview during introductory questions (example: Employee Name, Position, Years of Service, Work Location), will help the investigator to establish an observable norm when the interviewee responds to questions truthfully.

OBSERVATIONS DURING IN-PERSON INTERVIEW:

- The eye contact (good, poor, patterns, etc.)
- The posture (folded arms, uncomfortable, slouching, etc.)
- Dismissive hand motions or placing hands over mouth
- Excessive blinking, pursed lip, chewing on objects.
- Demeanor (angry, disappointed, remorseful, shocked etc.)
- Method of answering questions (consistent timing, prompt, slow, searching, etc.)

OBSERVATIONS SPEECH PATTERNS DURING PHONE INTERVIEW:

- Speeding up or down
- Speaking loudly or softly
- Cough or clearing throat
- Excessive talking in hopes to convince the interviewer of their innocence

Consistency: How consistent was the interviewee' story compared to others? Has his or her story changed during the investigation?

Chronology: How does this interviewee's timing of events compare with the timing recounted by others? How does it compare to the other physical evidence, such as e-mails, letters, voice mails and expense reports?

Corroboration: Are there documents, other interviewees or other evidence that supports the interviewees' story? This is a critical and required part of an Investigators role. Corroboration is required to complete your investigation. Evaluating direct and indirect evidence, helps you determine if the alleged conduct occurred.

DIRECT EVIDENCE		INDIRECT EVIDENCE	
Personnel Files	Performance	Similar Events	
Expense Reports	Appraisals	Complainant Told Others	
ER Case History	 Internal Interviews 	Complainant Avoids the Accused	
Company Policies	 Trainings/Meetings 	Complainant Impact is Evident	
Computer Records	Attended	Complainant Documented It	
Provided Documents	 Organization Charts 	The Accused Admits It	
Calendars	 Data from HR Systems 	The Pieces Fit Together	
Time Sheets	Emails (confirm		
Supervisor Files	approval process)		
	Diaries		
	Pictures		

Plausibility: Is the interviewee's version of the facts inherently plausible? Considering your range of life experiences, does the story make sense?

History: Did similar incidents occur in the past that were not reported? It would be helpful to review past complainant history of the complainant. Does the alleged wrongdoer have a past record of inappropriate conduct? Did the reporter/complainant raise the issue in a timely manner?

Most importantly, the investigation must not end because of a "he said/she said" situation. Instead, an experienced investigator must evaluate the interviewees' statements and make a judgment as to whether the events happened as described.

Opportunity: Are company checks and balances in place that minimize opportunity for unethical behavior? Did internal procedures create "opportunity" for misconduct?

Bias: Does the interviewee have any motivation to fabricate his or her statement? Is he or she biased or impartial? Primarily, the goal is to determine whether anyone had reason to fabricate their statements. Was there a past situation or incident that caused animosity between the interviewee and the accused (or complainant) that might lead the interviewee to lie? Is there motivation to protect the Accused?

Omission: Did investigation participants leave out important information during the interview? Did the interviewee admit to engaging in the behavior only after being confronted? Is there a sensible explanation for this behavior?

Most importantly, the investigation must not end because of a "he said/she said" situation. Instead, an experienced investigation must evaluation the interviewees' statements and make a judgment as to whether the events happened as described. Please take a partner with you ER Manager or ER Director to work towards a decision.

SUMMARY :: THE WORK SUMMARY - INTERVIEWS

INTERVIEW PREP

- 1. Confirm order of Interviews
- 2. Schedule (invite to complainant/witness/person of interest, room, BlueJeans, etc.)
- 3. Identify Interview Questions

CONDUCT & DOCUMENT THE INTERVIEWS

- Refer to ER Introduction Form
- Refer to Interview & Creditability Form

CAPTURE AND PRESEVE NOTES & DOCUMENTATION

- Save evidence gathered from the interviews and parties to the Case Mgmt system (i.e. Photos, Text Messages, Video, Etc.
- Save Notes to the Case Mgmt system
- Update Case Mgmt to ensure chronology date/time stamps



Only attach the final version of your notes to the Case



COMMUNICATE

During the Investigations Interview process, send a status update to the Complainant every 10 days.



ER COMM_ Status Update to Complain



CASE UPDATES

- Final version of Interview Notes
- Status Update Communication to Complainant
- Start Case Summary

THE OUTCOME

PRESENTING THE FACT FINDINGS TO THE BUSINESS

INVESTIGATION OVERVIEW

There are 2 ways to communication information about an investigation

1. **INVESTIGATION SUMMARY** – High level overview intended for internal use with key stakeholders/decision makers. Does not include name of witnesses (and at times, the Complainant). Can take the form of an email or the

template (should be approximately 1-2 pages). See <u>Example: Investigation Summary</u>. This is an optional document used to communicate your findings to the business.

- Sections in the Investigation Summary include:
 - Information about the Complainant and the Accused
 - Background of the Case (how the case was initiated and the intake channel with periphery information)
 - Summary of the Allegations and Findings/Conclusions
- 2. **INVESTIGATION REPORT** Comprehensive document that outlines in detail the allegations, finding and evidence considered, credibility assessment, conclusions reached and why. The Investigation Report is a confidential document that is shared within Employee Relations and Nike Legal only. Sharing the report outside of Employee Relations or Legal requires ER Director and/or Legal Approval. The investigation report is required for every ER led investigation of cases of Sexual Misconduct, Harassment, Discrimination and Systemic Issues.

An excellent investigative report is one that is well-written, and is identified by six basic, necessary qualities.



The investigation report should be:

1	FACTUAL	The investigative report contains only facts. A fact is a thing that has happened or relevant facts.
2	ACCURATE	The report should clearly record or reference all pertinent interviews and observations. Information obtained during an investigation should be verified by as many sources as are necessary and reasonable to establish the validity of the information. Again, investigative reports should not contain personal opinions or views.
3	CLEAR	The report is free from confusion, ambiguity, and is easily understood.
4	CONCISE	The investigator should remember that the best report tells the complete story in as few words as possible but using enough words to clearly convey a message.

5	COMPLETE	The report includes all necessary information, such as who, what, when, where, why and how. Creditability assessment should be embedded within the Investigation Report. All of the elements of the situation are also included in the report.
6	TIMELY	The investigative report should be completed & uploaded to the Case Mgmt system within 10 business days of the completed investigation.

THINGS TO CONSIDER WHEN WRITING THE REPORT

- Present the information in a logical progression, from facts to conclusions, stated in precise and neutral terms.
- Explain your reasoning. You must convey to the reader that your conclusions are supported by the facts and analysis in your report.
- Remember, the life of an investigative report in many instances extends for years, sometimes extending beyond the employment of the investigator

STYLE	KEEP YOUR LANGUAGE SIMPLE
The investigative report should be written objectively in the third person, which means that it should be written, "The witness confirmed that she observed the accused" or "The accused admitted that he"	Keep your sentences short and your language simple and concise. Some investigations will reveal some very complicated facts. You must simplify this for your readers or listeners, so they get a clear picture of what happened.
GRAMMATICALLY CORRECT	LEGIBLE
The investigative report has been written using the proper form and arrangement of words and sentence structure.	The report should be readable and can be deciphered easily. Your investigation report should be typed to ensure legibility.
OBJECTIVE	CLEAR AND LOGICAL
The investigator is summarizing the witness account and does not inject his/her own bias or prejudice into the investigative report.	Any reader, even someone who has no knowledge of the case, should understand how the investigator reached your conclusions based solely on the report.

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SECTIONS OF THE INVESTIGATION REPORT

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FACTUAL SUMMARY	ALLEGATIONS	FINDINGS AND RECOMMENDATIONS
Background information relating to the employee	The allegations should be very concise and specific:	Summary and recommendation for action following your investigation:
Name and job title of the employee Length of service, hours of work, etc. Details of any relevant misconduct – previous warnings can only be mentioned if they are still live at the time at which the misconduct took place. If relevant, background information about the workplace, such as, physical environment, staffing levels, workload, and shift pattern, etc., where legally applicable	Date, time, place of the alleged incident(s) Refer to the employee by name Specify the nature of the misconduct/allegations	Deal with each allegation separately Summarize the nature of the allegation State the facts that lead you to believe the allegations are proven or not (briefly referring to witness statements, supporting evidence) State your conclusion for each allegation (substantiated or unsubstantiated)

CONCLUSION AND RECOMMENDATIONS

CONCLUSION

A finding shows that your conclusion is based on reliable relevant evidence that is logical and addresses the issues that were investigated and should not include information that is not supported by facts. The investigator must weigh the evidence and conclude if company policies were violated or misconduct occurred. The Findings may also address additional policy violations that may have been identified during the course of the investigation.

The Investigation Finding is the answer to an Allegation.

Assessing if the allegations were substantiated or unsubstituted (and why). This is also known as the conclusion. The allegations are proven/unproven based on the incidents confirmed during the investigation.

RECOMMENDATIONS

For systemic ¹issues, issues that impacts to many employees, potentially violates the law or damage Nike's reputation/Brand; consult with your Employee Relations Director to calibrate appropriate recommendations are taken (this may include consistently applied discipline).

The purpose is to provide recommendations to the business and HR to prevent further workplace disruptions, policy violations and to restore org health. The Investigator will need to align, influence and gain commitment with the HRBP

¹ Systemic Issues involve a pattern, practice or policy where groups of employees are negatively impacted or are not provided with equal opportunities in recruiting, hiring, training, retention or work environment.

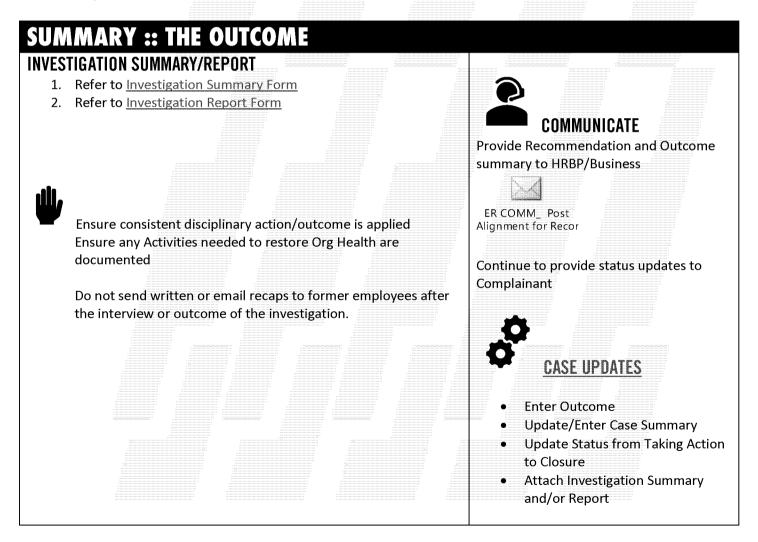
and the Business leader before documenting the recommendations in the Investigation report. This section requires strong partnership with HR and business leaders to formulate a strong action plan. This includes any long term or aftercare activities to improve Nike's culture and to align with Nike's People First direction.

This may include:

Training on effectively communicating with employees, resolve workplace issues, requirements to report workplace misconduct, knowledge of support system – when to take a partner and who their partners are, legal requirements, when applicable. Professional coaching,

Upon alignment on remedial actions, recap your conversation to key stakeholders include the recommended action(s), owners and timeframe.

- Partner with relevant key stakeholders (Business, ER, HR, Legal, Security, etc.) to discuss the investigation findings.
- Align with key-stakeholders on the recommendations to remedy the matter and aftercare for those involved.
 ER's role is to provide context and consistency regarding follow up actions and to support the aftercare of those involved.
- Determine who will execute and communicate the actions agreed upon and the date by which actions will be complete.



20

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CLOSURE

ACTIONS BASED ON THE OUTCOMES

CASE CLOSURE TO PARTICIPANTS

Once a decision has been made about follow up actions and aftercare, the investigator should reach out to the complainant to share the results of the investigation and action plan. Leverage the recommendations section of your investigation report or investigation summary to guide the conversation. The investigator should determine how much information to share with the complainant – this can be dependent on the case/concerns/actions.

For all Complainants & others were applicable, at a minimum, the following information should be shared:

WE CONDUCTED A THOROUGH INVESTIGATION
YOUR CONCERNED WERE TAKEN SERIOUSLY
NIKE IS COMMITTED TO PEOPLE FIRST & THE EMPLOYEE EXPERIENCE
NIKE IS COMMITTED TO RESOLVING WORKPLACE CONCERNS
WE APPRECIATE THE EMPLOYEE SPEAKING UP



Where possible, we want to acknowledge to the Complainant that the Company wants to be better. Investigators must not communicate to anyone involved in the investigation that their concerns were "unsubstantiated" or "unfounded" or "resulted in no action". As investigators we can always find an opportunity to improve or positively impact culture, training, transparency or org health of a business unit.

COMPLAINANT TRANSPARENCY MESSAGING (where legally applicable)

FAVORABLE OUTCOME FOR COMPLAINANT

Depending on the nature of the investigation; for Outcomes that are directly impacting the Complainant (pay, CA, CFE, accommodations, work location concerns, reporting structure) – we will be transparent and tell the Complainant what happened.

Particularly in situations where the outcome is obvious, tell employees when an employee has been terminated as a result of the investigation or a business relationship is severed as a result of the investigation (i.e. ETWs, Vendors or Consumers).

In cases where the outcome is not as visible (i.e. corrective action, write up), tell the employee that we have taken disciplinary action steps with the implicated employee and you should see improvement or change in his/her behavior. The investigator can also tell the employees where as a result of the investigation additional training, procurement of coaching, monitor, changes in org or reporting relationship. Remind the Complainant that they should contact the investigator if they do not see immediate improvement in behavior. Remind the employee that they can also contact their Manager, HR Person, ER, HRD, Speak Up line or any other channel that makes them feel comfortable reporting workplaces concerns. Make the Complainant aware that ER and the appropriate business partner will continue to monitor for sustained improvement. The above guidance is also applicable to witnesses or other impacted individuals who may need more information about the case outcome.

LESS DESIREABLE OUTCOME TO COMPLAINANT

Outcomes that the Complainant may not find favorable or desirable, have an open dialog with empathy and respect for the employee and preserving the employee experience.

The investigator should inform the Complainant that the leadership was within company policy to take employment action (i.e. write up, term, denied promotion, etc.) against the Complainant and/or that the leadership followed the appropriate process or were consistent with Nike's guidelines. Share with the complainant the evidence that lead to this conclusion without providing names (i.e. attendance card, viewed the video, talked with the witnesses provided, etc.). Where appropriate, provide the Complainant with resources and/or people they can contact that will help them transition to the future and growth (if still employed). Remember, do not provide investigation participants with evidence collected during the course of the investigations (video, witness statements, text messages, etc.).

OUTCOME FOR ALL CASES

Regardless of whether the case is substantiated or not, the Investigator should acknowledge that the company is taking action based on the investigation findings. Those actions could include; We have raised awareness of the policy, we've brought clarity/transparency of a process, we've increased awareness of who you can call for help with workplace matters, we've facilitated training, we've connected persons involved with/provided resources, etc. Reassure investigation participant that we heard you and where we can make improvements, we will be better and that we are focused on the path moving forward.

PERSON OF INTEREST TRANSPARENCY MESSAGING (where legally applicable)

Employee Relations typically does not communicate final messaging to the Person of Interest. The business and/or HR leader are responsible for informing the accused of the investigation outcome, completing all remedial actions aligned upon and administering disciplinary action to the person of interest.

The HR/Business leader is responsible for timely execution of these steps, communicating completion to Employee Relations, documenting the remedial action is complete, and actively monitoring Org Health improvements of the business until

In all the closure conversations, it's important to communicate the No Retaliation expectations as outlined in the Matter of Respect Policy and where legally applicable, emphasize the request to keep matters confidential. Remind the employee of available channels to continue to report workplace concerns.

POST RESOLUTION ACTIONS

ER will monitor and track the completion of all Actions based on the Outcome & Recommendations:

- Conversations/Coaching
- Corrective Action
- Remediation
- Restore Org Health
- Development/Capability Building
- Documentation
- Communication

CASE DOCUMENTS

Investigation Files are be kept separate from personnel file. The RightNow case management system is the method of storage for all items related to the investigation. Items that should be uploaded into the case management system include:

- Investigation plan
- Documents and other evidence
- Communications to all participants (except for record of discipline which goes in personnel file)
- Interview notes
- Investigation report
- Investigation Summary
- Signed Corrective Action and/or Performance Action Documents
- Ensure all documents are dated
- All other relevant information to the case

SELF-EVALUATION

- Consider what went well/what could be improved in your own investigation process.
- Are there company policies that should be considered, reconsidered, or clarified?
- Were there any process breakdowns relating to reporting or communication that can be improved?
- Are there any key learnings that should be shared with the Employee Relations team?

SUMMARY :: THE CLOSURE

COMPLETE CASE CLOSURE MESSAGEING

- Complainant
- Person of interest

MONITOR AND TRACK ALL OUTCOME ACTIONS

- 1. Partner with HRBP and Business to ensure all actions are completed.
- 2. Ensure all actions are tracked in RightNow Case
- 3. Refer to Outcome Talking Points template, when applicable

SELF EVALUATION AND TEAM KNOWLEDGE SHARE

CASE DOCUMENTS

Refer to Investigation Closure Checklist

Proper case closure with the Complainant is more than "substantiated or unsubstantiated"



COMMUNICATE

Case Closure in person or via phone



CASE UPDATES

- Attach all final documents
- Review all case fields for accuracy and thoroughness
- Enter ER Investigation Completion date
- Track status and completion of all Outcome Actions
- Update Status from Closure to Resolved

TOOLS

	INTAKE	THE WORK	THE OUTCOME	CLOSURE
	INITAIL CONTACT TO	KEY STAKEHOLDERS TO	ALINGED OUTCOME	
	COMPLAINANT	INFORM OF OPEN CASE	RECAP TO KEY	
			STAKEHOLDER	
COMMUNICATE			STANLITOLDEN	
COMMINICALL	ER COMM_ Intake -	ER COMM The		
	Initial Contact to Co	Work - Key Stakehol		
	DOCT INTAVE MEETING	COMPLAINANT CTATUC	ER COMM_ Post Alignment for Recor	
	POST INTAKE MEETING	COMPLAINANT STATUS	, ingliment of freedi	
	TO COMPLAINANT	UPDATE		
	ER COMM_The	ER COMM_Status		
	Work - Post Intake t	Update to Complain		
	Complainant Intake	Investigation Plan	Investigation Summary	
:=		Interview & Creditability	Investigation Report	
		Documentation		
TEMPLATES &		Collection Checklist		
		(optional)		
FORMS				
*	Subject Line	• Witnesses	Outcome	Attach all final
	Person of Interest	Topic Level 1 & 2	Enter/Update Issue	documents
¥	Complainant	State: Change from	Summary	 Review all case
CASE UPDATES	• Topic Level 1 & 2	Intake to Taking	 Update Status from 	fields for accuracy
07.02 01 27.1120	State: Change from	Action	Taking Action to	and thoroughness
	New to Intake	 Attach Documents 	Closure	• Enter ER
	Date Initiated: Enter	Gathered		Investigation
	applicable date if	Complainant Intake		Completion date
	the RightNow case	Form		Track status and
	was manually	 Completed 		completion of all
	created after the	interview notes		Outcome Actions
	case was originally	Interviewee Recap		Update Status from
	initiated	Emails		Outcome to Resolved
		Status Update Fracile to		nesolveu
		Emails to Complainant		
		Issue Summary (if		
		case has been open		
		for over 30 days)		
ADDITIONAL DEE	ERENCE MATERIALS			
Seyfarth Training Dec				
	<u>:K</u> Plations Academy (ELC) Train	aina Dock		
Employee & Labor Re Meaningful Conversa		HIS DEUN		
Nike U - Unconsciou				
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	nectations			
Nike U – Manager Ex EAP – Employee Assi:				

Org Effectiveness & Remedial Action Deck



Case 3:18-cv-01477 THER DOCKES PET 21 NIKE'S FIND HAY ASSMENT Page 132 of 158 AND ANTI-DISCRIMINATION POLICY

FAMILIARIZE YOURSELF WITH NIKE'S ANTI-HARASSMENT & ANTI-DISCRIMINATION POLICY

NIKE, Inc. strives to be an employer of choice that seeks to recruit and retain a diverse pool of employees, which is critical to our future growth. Our employment policies, practices, and training programs are designed to minitions a culture of inclusion and respect where each employee can reach their diplosteration. Innovation and reaching one of utility potential complying pages in an emvironment that is test from hazacament and continuation.

NIKE knows the people want best in a work environment free from harassment and discrimination, and we want to be sure that harassment and discrimination of all types does not occur at NIKE. Including hasesment, decorrelation, service exceptional conducts, based on sex, rate, see constaints, persists expressing, persists expressing, service expressing, service expressing states, making or exert shade, or why often deats of discrimination and harassment, seeks to prevent harassment and provides employees with an effective complaint process. This policy applied to exercise a NIKE expression of the Control of the Cont

HARASSMENT OR INAPPROPRIATE BEHAVIOR MAY LOOK LIKE...

- offensive racial insinuations or language
- race- or sex-based jokes
- sexually offensive behavior and resual instructions
- vulgar language
 disrespecting another's religious beliefs
- sexually suggestive compliments

- offensive emails

- unwetcome firting

"This fat is not all-inclusive.

Remember: Sometimes people believe they are being "harnessed," but the harassment is not based on a legally protected characteristic, such as gender or age. This harassment may not be against the law bud, depending on the occurristances, I may be against company policy, Employees should rude, abusive, unprotessanted, insensitive of emessing or infimitating pelativic directed at person or a group of people as it may depending on occurristances, which this policy. This pulsey does not, of course, prohibit or in prede coacting another minima when performance when appropriate.

OUR RESPONSIBILITY

- Refrain from any conduct that could reasonably be wewed as harassment. Understand that harassment is based upon the other person's perception and how a reasonable person would view that behavior, not your intention.

- Lead by example: ensure that you and the people who work for you understand what harassment is and that it is not tolerated.
- Be aware of the work environment; take active steps to create and maintain a work environment free from harassment.
- If an amployee approaches you with a written or verbal complaint, listen carefully, acknowledge the seriousness of the complaint and immediately consult your manager, Employee Relations, or Human Resource Susiness Partner.
- Maintain a professional relationship with subordinates at all times.

- Respond to all complaints of harassment in a timely manner.
- Promptly gather facts on all compliants of breashment and, if appropriate, take immediate, effective remedial action. Remedial action is effective wint in its original to and be hasacsment and other others from enging in instancery consult in the future. Appropriate remedial action depends on the specific flustration a fining or brancement or destination in my result in formitisation or impropriate.
 Treat as conflicated all information about a compliant, and share information only on a "need to know" basis consistent with proper investigation, responsive action, and bearing management information.

HARASSMENT, DEFINED...

Discrimination and other harassment: Similar to sexual harassment, discrimination or harassment based or race, age, religion, disability, ethnic group, musta status, military or welene status, or any other protected class status is at leftly prohibited. If may lock like the following, unwelcome veobal conduct such as the rest, mustaling comments, poles, or entire unwelcome values conduct such as dengatory pictures or gestives, or unvesticance physical conduct such as dengatory pictures or gestives, or unvesticance physical conduct such as asseguit. None of this type of behavior is permitted at NNE.

EMPLOYEE COMPLAINT PROCESS

- If you experience, witness, or learn of harassment in the workplace you must immediately report the harassment to your Employee Relations Specialist, your HR Business Partner, or your immediate supervisor.
- If none of these individuals are available, if you are unconflortable reporting to any of these individuals, or if you are dissalfined with any of these individual's responses, you should report the harassment to the Director of Employee Relations or the Director of Corporate Human Resource Services.
- NIKE will treat any complaint made under this policy as a confidential matter consistent with business needs. Information will only be shared with those that have a "need to know" in order to investigate the complaint, determine the appropriate remedy, and keep management informed.
- All complaints will be promptly investigated through a fact finding process (although not all fact-finding processes will result in a formal, written report).

NO RETALIATION

All amployees should do the right fiving - this includes reporting all incidents of harassment, discrimination or other violations of law or company policies. Not sell investigate at each reports and we will have necessary action to prevent future violations. Midateston agents any employee for the policy of the reporting of a superiors vicinities of law or policy or for emplosping or new registerations of a superiors vicinities of the reporting or representations or the registeration of a superior of vicinities of the other policy of the registeration of the registeration of a superior vicinities of the registeration of the registe

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KEY POINTS TO REMEMBER

- . Use common sense and good judgment if in doubt, don't do it
- . Think before you say it or send it in an email.
- Whether conduct is unvelcome depends on the other person's perception and how a reasonable person would view that behavior, not your intention.
- Demonstrate respect a civil, professional, and healthy workplace begins with each of us, every day.



.**. .** . . .

- If you experience, witness, or learn of harassment in the workplace you must immediately report the harassment to your Employee Relations. Specialist, your HR Business Partner, or your immediate supervisor.
- ere available, e you affeu unconfortable proporting to any of these individuals, or if you are diseasified with any of these individuals or responses, you should report the harassment to the Director of Employed Platiations or the Director of Copprate Human Besource Services. You may visio report harassment by calling HB Direct Adversor at the information below or the AertiLinu at 1-888-836-2453 (US only).

WEB APPS

Contact HR Direct Call or SMS: 1 (503) 532-3402 or 1 (888) 360-6453 Glick to ask a question



Get support by phone, email or live chat

. Contact HR Direc

Click to ask a question

Contact HR Direct

Contact HR Direct

Click to ask a

Mon-Wed and Fri. 8:30 a.m. 5:30 p.m. Thurs, 8:30 a.m. 3:30 p.m. CET

Click to ask a ouestion Contact HR Direct Internal: +31 35 626 6777 St Toll-free: 0905 980232

Mon-Wed and Fri 8:30 a.m.-5:30 p.r Thurs, 8:30 a.m.

Contact HR Direc

Mon-Wed and Fri. 8:30 a.m. 5:30 p.n Thurs. 8:30 a.m. 3:30 p.m. GET

Contact HR Direct 0800 901096 (toll free)

Mon Wed and Fri. 8:30 a.m. 5:30 p.n Click to ask a question

Gontact HR Direct

Mon-Wed and Fri. 8:30 a.m.-5:30 p.n Thurs, 8:30 a.m 3:30 p.m. CET Click to ask a question

Contact HR Direct

Davis Decl. Exhibit 85, Page 1 of 4

Home > A Matter of Respect - NIKE's Anti-harassment and Anti-discrimination Policy

NIKE, Inc. strives to be an employer of choice that seeks to recruit and retain a diverse pool of employees, which is critical to our future growth. Our employment policies, practices, and training programs are designed to reinforce a culture of inclusion and respect where each employee can reach their full potential. Inspiration, innovation and reaching one's full potential can only happen in an environment that is free from harassment and discrimination.

NIKE knows that people work best in a work environment free from harassment and discrimination, and we want to be sure that harassment and discrimination of all types does not occur at NIKE, including harassment, discrimination, or other inappropriate conduct, based on sex, race, sexual orientation, gender identity, gender expression, age, religion, disability, ethnic group, marital status, military or veteran status, or any other class status protected by applicable law – including conduct by co-workers, managers, visitors, customers, and vendors. To that end, NIKE's policy prohibits discrimination and harassment, seeks to prevent harassment and provides employees with an effective complaint process. This policy applies to everyone at NIKE regardless of position and will be consistently enforced.

HARASSMENT OR INAPPROPRIATE BEHAVIOR MAY LOOK LIKE...

- unwelcome sexual advances
- · offensive racial insinuations or language
- · race- or sex-based jokes
- · sexually offensive behavior and sexual insinuations
- vulgar language
- · disrespecting another's religious beliefs
- sexually suggestive compliments
- · humiliating treatment
- · teasing about someone's age
- stereotyping
- offensive emails
- · voiced speculation about another's sexual orientation
- · unwelcome touching
- unwelcome flirting
- preferential treatment, or derogatory references or teasing, based on gender, sexual orientation, race, age, religion, disability, ethnic group or any protected class status

Remember: Sometimes people believe they are being "harassed," but the harassment is not based on a legally protected characteristic, such as gender or age. This harassment may not be against the law but, depending on the circumstances, it may be against company policy. Employees should avoid rude, abusive, unprofessional, insensitive, demeaning or intimidating behavior directed at a person or a group of people as it may, depending on circumstances, violate NIKE policy. This policy does not, of course, prohibit or impede coaching and/or criticism about performance when appropriate.

OUR RESPONSIBILITY

^{*}This list is not all-inclusive.

As an individual:

- Refrain from any conduct that could reasonably be viewed as harassment. Understand that harassment is based upon the other person's perception and how a reasonable person would view that behavior, not your intention.
- If you experience, witness or learn of harassment in the workplace, immediately report the harassment through the multiple resources identified in the "Employee Complaint Process" section.

As a manager:

- Lead by example: ensure that you and the people who work for you understand what harassment is and that it is not tolerated.
- Be aware of the work environment; take active steps to create and maintain a work environment free from harassment.
- If an employee approaches you with a written or verbal complaint, listen carefully, acknowledge the seriousness of the complaint and immediately consult your manager, Employee Relations, or Human Resource Business Partner.
- Maintain a professional relationship with subordinates at all times.
- Ensure that no employee who reports harassment or who participates in fact finding experiences retaliation or is treated
 adversely because of their good faith reporting of the situation or their participation in the investigation.

As a company:

- Ensure that the work environment is free from any and all harassment so that all employees can contribute to the maximum of their ability.
- · Respond to all complaints of harassment in a timely manner.
- Promptly gather facts on all complaints of harassment and, if appropriate, take immediate, effective remedial action. Remedial action is effective when it is designed to end the harassment and deter others from engaging in harassing conduct in the future. Appropriate remedial action depends on the specific situation a finding of harassment or discrimination may result in termination of employment.
- Treat as confidential all information about a complaint, and share information only on a "need to know" basis consistent with proper investigation, responsive action, and keeping management informed.

HARASSMENT, DEFINED...

Sexual harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...by co-workers, managers, visitors and/or vendors...when (1) submission to such conduct is made a condition of employment, (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Discrimination and other harassment: Similar to sexual harassment, discrimination or harassment based on race, age, religion, disability, ethnic group, marital status, military or veteran status, or any other protected class status is strictly prohibited. It may look like the following: unwelcome verbal conduct such as threats, insults, insulting comments, jokes, or email; unwelcome visual conduct such as derogatory pictures or gestures; or unwelcome physical conduct such as assault. None of this type of behavior is permitted at NIKE.

EMPLOYEE COMPLAINT PROCESS

- If you experience, witness, or learn of harassment in the workplace you must immediately report the harassment to your Employee Relations Specialist, your HR Business Partner, or your immediate supervisor.
- If none of these individuals are available, if you are uncomfortable reporting to any of these individuals, or if you are dissatisfied with any of these individual's responses, you should report the harassment to the Director of Employee Relations or the Director of Corporate Human Resource Services.

- · Complaints of harassment may be written or oral.
- NIKE will treat any complaint made under this policy as a confidential matter consistent with business needs. Information will
 only be shared with those that have a "need to know" in order to investigate the complaint, determine the appropriate remedy,
 and keep management informed.
- All complaints will be promptly investigated through a fact finding process (although not all fact-finding processes will result in a formal, written report).
- Based on the outcome of the investigation, NIKE will take immediate and appropriate corrective action, up to and including termination. A finding of harassment or discrimination may result in termination of employment.

NO RETALIATION

All employees should do the right thing – this includes reporting all incidents of harassment, discrimination or other violations of law or company policies. NIKE will investigate all such reports and we will take necessary action to prevent future violations. Retaliation against any employee for the good faith reporting of a suspected violation of law or policy or for participating in any investigation of a suspected violation will not be tolerated.

Retaliation can take many forms. It is not limited to direct employment actions like promotions, transfers or terminations. Discriminating against someone or harassing him/her for making a complaint could also be considered retaliation. In other words, adversely affecting the work environment of another employee for the good faith reporting of suspected misconduct is not allowed.

KEY POINTS TO REMEMBER

- Use common sense and good judgment if in doubt, don't do it
- Think before you say it or send it in an email
- Behavior that does not rise to the level of unlawful harassment may still violate NIKE policy
- Whether conduct is unwelcome depends on the other person's perception and how a reasonable person would view that behavior, not your intention
- Demonstrate respect a civil, professional, and healthy workplace begins with each of us, every day

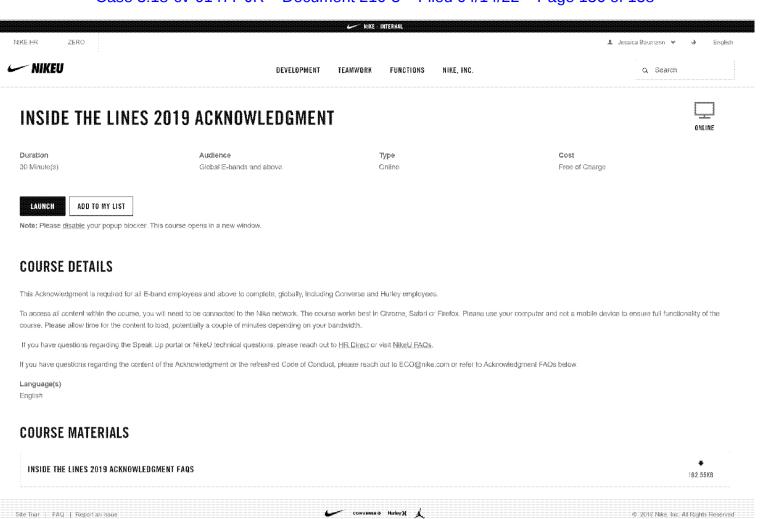
Website Help Contact HR

If you experience, witness, or learn of harassment in the workplace you must immediately report the harassment to your Employee Relations Specialist, your HR Business Partner, or your immediate supervisor.

If none of these individuals are available, if you are uncomfortable reporting to any of these individuals, or if you are dissatisfied with any of these individual's responses, you should report the harassment to the Director of Employee Relations or the Director of Corporate Human Resource Services.

You may also report harassment by calling HR Direct Advisors at the information below or the AlertLine at 1-888-836-2463 (US only).

Case 3:18-cv-01477-JR Document 210-3 Filed 04/14/22 Page 136 of 158



PERFORMANCE REWARDS: CFE COLLECTION FAQS FOR MANAGERS

- 1. What are the five performance ratings?
 - See the <u>Performance Ratings Page</u> for more information. Ratings are listed below.

Rating	
Exceptional	Employee performance far exceeds expected results on all goals. Consistently goes above and beyond in all aspects of performance. Role model for others. Overall, far above expectations.
Highly Successful	Employee performance exceeds expected results on all goals. Overall, above expectations.
Successful	Employee performance accomplished expected results on goals. Overall, achieved expectations.
Inconsistent	Employee performance achieves some, but not all, expected results on goals. Overall, short of expectations. Coaching and development needed to elevate performance.
Unsatisfactory	Performance does not meet expected results on goals. Requires action plan and immediate improvement.

- 2. What is "Too New to Rate"?
 - a. Employees who have been at NIKE for less than three months of the fiscal year (hired between March 1 and May 31) will be considered "Too New to Rate" at year-end. When entering CFE ratings into the MEportal, the system will automatically update the rating to "Too New to Rate" for employees that meet this criteria.



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- 3. Does the system require me to update a rating for Achieving Business Results and Creating Team Success?
 - a. No. Only the Overall Year-End Rating needs to be updated in the system.
- 4. How do I determine an appropriate Overall Rating?
 - a. To receive an Overall Rating of "Exceptional," an employee must be
 "Exceptional" in both Business Results and People Results. E + E = E

If an employee receives "Unsatisfactory" in Business Results or People Results, the Overall Rating is "Unsatisfactory." U + ? = U

Where a mix of ratings for either Business Results or People Results is received, managers need to make a judgement call considering the following:

- The weighting of Business Results for the specific position (for example, People Results may be more critical for managers than for some individual contributors who work more independently).
- The strength of each individual rating.
- A review of rating definitions.
- 5. Are there unique considerations if I want to rate an employee "Inconsistent" or "Unsatisfactory"?
 - a. If an employee is not meeting expectations based on the unique requirements of the role and goals identified, a rating of "Inconsistent" or "Unsatisfactory" is warranted.
 - b. Rating an employee "Inconsistent" or "Unsatisfactory" should inform how you make pay adjustments and result in financial consequences. Contact Employee Relations who can assist you in fully exploring the performance issues and further actions to take to assist the employee in getting performance to a successful level.



Davis Decl. Exhibit 87, Page 2 of 4

- 6. How do I determine a rating for an employee that moved into my team at the end of the fiscal vear?
 - a. Collaborate with the employee's previous manager to determine the Overall Rating.
- 7. How do CFE Ratings link to APR?
 - Both CFE and APR are part of the Year-End Process. Performance continues to be an important factor when determining pay during the Annual Pay Review. Other inputs include current position in range, future potential, impact of loss, risk of loss, time in role and pay relative to peers. Managers will continue to look for opportunities to differentiate base pay and stock awards for their employees to connect individual performance to pay.
- Do I need to follow a forced CFE Distribution?
 - NIKE does not have a forced CFE Distribution. However, the suggested a. ratings distribution (see the "Suggested Ratings Distribution" section of the Performance Ratings website) is provided to help managers reward high performance. The tendency to rate employees higher dilutes our ability to reward our best performers and potentially has a negative impact on employee morale.
- 9. What if my employee changed roles during the year?
 - a. Making a determination of the Overall Rating is a judgement call. Assess the employee's performance for each role and determine an overall rating by weighting the performance for each role.

Page 3

NIKE 00026615

- 10. Can ratings be updated and adjusted throughout the CFE Rating update period?
 - a. Yes. You are able to make changes to your ratings in the system until the close of the CFE collection period.
- 11. What if I need to change an employee's CFE rating AFTER the system closes?
 - a. We understand that there might be different scenarios that can lead to an incorrect rating entered during the CFE collection period. Managers can use the "CFE Corrections Template" accessed via the Nike HR website to submit a corrected CFE Rating until July 5. This form must be submitted by the manager to HR Direct.
- 12. Employee has been out on a leave of absences for 3 months. The Manager would like to know how to rate the employee for CFE.
 - a. In regards to a CFE rating for an employee on an LOA: if the employee has been out 3 quarters or more (of the fiscal year), they should be rated "Successful". If they worked more than 3 months (equivalent of one quarter), their rating should be tied to the assessment of their performance for that quarter, recognizing that protected absences and the like should not be considered. Local laws may conflict with this guidance and in that case, consult your local HR Business Partner.



NIKE, Inc. Human Resources | Total Rewards

Talk With **me:** Merit Pay

In a few words . . .

Annual merit awards are part of NIKE Inc.'s base pay program. Managers should review base pay to award merit during Performance Rewards in August and if the employee changes jobs.

Performance Rewards is an opportunity for managers to review an employee's base pay, and merit awards reflect the annual Coaching for Excellence (CFE) assessment of results achieved over the last fiscal year, available budget, and other relevant factors such as market data and internal equity.

Key points to cover with your employees

- Merit awards are discretionary and merit award guidelines vary within each performance rating category. When determining the size of increase, managers should consider a variety of factors:
 - **Performance:** employee's performance for the entire fiscal year, and the most important factor in merit pay decisions.
 - o Position to Market: employee's pay relative to external market zone
 - o Internal Equity: employee's pay relative to peers in similar jobs within NIKE
 - o Employee's experience, skill levels, etc.
 - Available Budget
- Employee performance is the primary driver of merit pay decisions. Merit awards are intended to reward performance over the entire fiscal year and differentiate pay for better performers.
- Merit awards may be given as an increase to base salary or a lump sum.
 - o If an employee is near or at the top of their market zone, you may want to consider a lump sum increase rather than an increase to base pay. Because the employee's base pay is already at a significant premium to market (represented by the pay range median), a lump sum can be fair and appropriate.
- Performance rating guidelines used for merit awards vary from year to year and country to country.



Page 1 of 3

Rev. 4/16/18

¹Should the information in this job aid conflict with any plan document, the plan document will govern.

Talk With **me**: Merit Pay

Questions employees might ask

Q: How is the merit budget calculated each year? Is it always the same or higher than the rate of inflation?

A: Every year, we analyze survey data to determine what other companies intend to spend on merit increase budgets. We also look at NIKE's position relative to the external market, and what's happening in each country with respect to inflation and consumer price indices.

Worldwide, we take market data, inflation, and unemployment data into consideration, with market data playing the biggest part. The most common measures of inflation are the consumer price indices (CPI), which can vary across the globe. Merit budgets may or may not be higher than CPI, depending on the country.

Q: Is the annual merit budget the same across all of NIKE, Inc., or does it vary by geography, category, Brand vs. Affiliates, etc.?

A: Merit budgets vary by country, but are typically the same across all businesses within the country.

Q: Where can I find the Merit Increase guidelines?

A: Merit increase guidelines appear in MSS during Performance Rewards. Merit guidelines are based on the employee's CFE rating and country, and are located in the same area where managers input the employee's increase in the system.

Q: Is my merit increase opportunity solely linked to my CFE rating, or does it also matter where I am paid in my market zone?

A: The merit increase is primarily linked to your CFE rating, although position to market may be considered in determining where within guidelines your increase falls.

Adjustments for position to market should be completed during the 2X Pay Review.

Q: How do I decide what merit increase percent to award my employees given the small range spread for each performance rating category?

A: The merit increase is discretionary. When determining the amount, the manager should consider multiple factors when determining what merit amount to award each employee, such as: budget, employee's position to market (those with lower market position should receive higher increases all other factors being equal) and performance rating (those whose performance is higher should receive higher increases all other factors being equal).



Page 2 of 3

Rev. 4/21/16

Talk With **me**: Merit Pay

Q: Are you no longer eligible for salary increases when you reach the top of the pay range?

A: We provide competitive pay data for each job (the pay range) so managers can effectively manage wages for their teams. When an employee's pay approaches the top of the pay range, managers may consider using lump sum increases (or a combination of lump sum and an increase to base) instead of increases to base pay. Employees paid at or near the top of the pay range are paid very competitively for their current position. If you're in this situation talk with your employee about other job and pay opportunities and what you can do to prepare for them.

Q: When should I use a merit lump sum award?

- A: You may reward an employee with a lump sum award and not increase their base salary if you determine:
 - the employee is at the top of the external pay range for their job; or
 - you want to address internal inequity issues among peers

You may also use a combination of an increase to base pay and a lump sum.

Q: Are raises typically discussed at year-end reviews?

A: We've found that separate performance review and salary review conversations between manager and employee are the most beneficial, and we recommend that they occur at least two weeks apart. We think this makes sense so that the messages from one conversation don't overshadow the other. Some managers, however, due to scheduling or preference, combine the two. There is no hard and fast rule.



Page 3 of 3 Rev. 4/21/16

NIKE 00030706

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EEOC Form 5 (5/01)						
CHARGE OF DISCRIMINATION Charge			esente	d to: Age	ncy(ies) Charge No(s):	
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Sara Johnston		REDACTED				
Street Address City, State an	nd ZIP Cod	ZIP Code				
REDACTED Portland, OR 97006						
Named is the Employer, Labor Organization, Employment Agency, A I believe Discriminated Against Me or Others. (<i>If more than two, list u</i>				tate or Local (Government Agency That	
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Nike, Inc.	75,000	+		(503) 671-6453		
Street Address City, State an	City, State and ZIP Code					
One Bowerman Drive, Beaverton, OR 97006						
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THE PARTICULARS ARE (If additional paper is needed, attac	ched extr	a sheet(s)):				
See attached statement (12 pages).						
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I want this charge filed with both the EEOC and the State or local Age	ncv NC	TARY - Whe	en nece	ssary for Sta	te and Local Agency	
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and I will cooperate fully with them in the processing of my charge in accordance with their procedures.						
I declare under penalty of perjury that the above is true and corre	the	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and				

8.7.18

Date

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

SIGNATURE OF COMPLAINT

Charging/Party Signature

Sara Johnston Charge of Discrimination

The Particulars are:

I. OVERVIEW OF ALLEGATIONS

- 1. This sex discrimination charge is filed on behalf of myself, Sara Johnston, and all other similarly situated female employees of Nike, Inc. ("Nike") in the United States who worked in Nike's Corporate Division (non-retail Nike employees). The similarly situated female employees include current employees, former employees, and women who were classified as independent contractors by Nike and worked at Nike's headquarters (collectively, "female Corporate employees"). Like other female Corporate employees at Nike, I have been harmed by Nike's continuing policy, pattern, and practice of sex discrimination with respect to performance evaluations, pay, promotions, and other terms and conditions of employment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., as well as the Oregon State Law Against Discrimination, ORS 659A.001, et seq.
- 2. Nike has continued these policies and practices despite knowing that they have a disparate impact on female Corporate employees. Nike's Oregon headquarters has a pervasive culture of gender discrimination and harassment that reinforces and exacerbates the discriminatory effects of Nike's policies and practices. Based on my personal experiences, Nike has retaliated against female Corporate employees who complained about gender discrimination.

II. NIKE HEADQUARTERS

- 3. Nike's worldwide headquarters are in Beaverton, Oregon. All of Nike's most senior executives are based at Nike's headquarters, which includes campuses in and around Beaverton, OR.
- 4. Nike is divided into "Organizations." There is an executive, either a President or a Vice-President, in charge of each Organization. Within each Organization, there are "Teams." Typically, the most senior member of each Team is a Senior Director. I worked on a Team called the Planning and Information Management Team within the Nike Technology Organization, and our Team, as well as other Teams, reported to Senior Director Jon Bryant.
- 5. Below Senior Directors, there are Directors, then Managers, and then a variety of lower-level titles. My Team was led for the first year by Amit Devpura (Director) and Zubair Fazal (Manager). Thereafter, my Team was led by Justin Larsen (Manager). Mr. Larsen was later promoted to Director, and he subsequently hired Ryan Hartford as a Team Manager.
- 6. In addition, Nike has thousands of workers that Nike has classified as independent contractors ("Contractors"). I observed that Nike full-time employees ("FTEs") were the primary people who, among other duties, directed the hiring of Contractors and conducted the interview process, set Contractors' job duties, assigned work to Contractors, determined whether Contractors were promoted to FTEs, and made the decision to terminate a Contractor.

III. EDUCATION AND WORK HISTORY

- 7. I graduated from Willamette University with a B.A. in Economics and an M.B.A. focused in quantitative analytics and human resources. After receiving my M.B.A., I worked in human resources and analytics positions for four years. I also completed a majority of the coursework towards receiving a second B.S. in Business Systems Analysis from Oregon Institute of Technology.
- 8. I worked at Nike from June 2008 through November 2017, initially as a part-time swim instructor for Nike employees. In 2009, I applied for an Operations Analyst position, but I was hired as an Account Service Representative, a lower position in the Order Management and Account Services Department, which is considered part of Nike's Supply Chain Organization, in February 2010. In 2012, I applied for and received a Junior Business Systems Analyst ("BSA") position. I was placed on the Planning and Information Management Team in the Nike Technology Organization that directly supports Nike Supply Chain's technology needs. In 2014, I was promoted to Intermediate BSA. From 2015 to 2017, while my job duties expanded, my actual job classification and salary band level remained unchanged as Intermediate BSA. As a BSA, I was responsible for being the liaison between the business and the reporting Application Developers and Database Administrators on the reporting and analytics Team. During my last three years at Nike, I was doing the work of higher level positions. Starting in May 2015, I became the primary Tableau Application Developer on my project, which, I observed, is a responsibility of someone in an engineering role with the job title of Application Engineer or Application Developer. Starting in October 2016, I was also a Product Owner, which, I observed, is a responsibility of someone with the title of Senior BSA or Lead BSA. As Product Owner, I led my Team and worked with the business-side to figure out strategy, determine customer needs, assess product fit, and validate product quality. I also interviewed and made recommendations on potential hires and provided input on performance evaluations.
- 9. Although Nike is divided into Organizations and Teams, there are many connections and similarities across Organizations and Teams. Nike Corporate employees often had more than one direct or indirect line of reporting, and there were overlapping responsibilities among employees in different Organizations and/or different Teams. In addition, Nike Corporate employees were transferred and/or promoted from one Team and/or Organization to another. Many Nike employees work as BSAs on different Teams and Organizations, and they have similar responsibilities as I did.
- 10. During my tenure at Nike, I consistently achieved and exceeded my performance goals and made significant contributions to Nike's business. For example, I designed and implemented an automated process that reduced the manual data entry needed to load seasonal contracts, was on Nike's Strategic Accounts Team of the Year, and was on the Planning Transformation Project which received a nomination for a Nike Technology Maxim Award. I also took on additional responsibilities, including, for example: reporting development and product ownership; interviewing candidates and recommending them for hire; and creating new internal materials and processes to be used in training new employees.

IV. DISCRIMINATION

Performance Evaluations

- 11. On information and belief, Nike has a uniform rating system for annually evaluating employee performance. One part of the performance evaluation process is supposed to be a substantive, written evaluation, called "Coaching for Excellence" ("CFE"). Corporate employees are supposed to have an opportunity to read and respond to the CFE goals for the upcoming fiscal year. Corporate employees are then supposed discuss their CFE with their Managers one-on-one during a mid-year review, which occurs in January, and a final review, which occurs in June.
- 12. The critical part of the performance evaluation process is the rating of employees by their Managers. On information and belief, all employees with a Vice-President, Senior Director, Director, Manager, or lower-level title are given a rating. There are five possible ratings: Excel, Highly Successful, Successful, Inconsistent, and Needs Improvement. On information and belief, Nike has a policy and practice of limiting the number of Corporate employees who can receive a Highly Successful rating as well as to limit the number of Corporate employees who can receive an Excel rating.
- 13. Each employee is initially rated by their direct Manager. On information and belief, there is then a series of "calibration" meetings, where each Corporate employee's rating is discussed. The participants in the calibration meetings are mostly men.
- belief, the initial calibration meeting consists of Directors and Senior Directors on that employee's Team. Subsequently, on information and belief, the head of the Organization and Senior Directors hold another calibration meeting for all Manager and other positions below Senior Director. If the employee is a Director, then the calibration meetings are done by Senior Directors and Vice-Presidents. On information and belief, the calibration meetings for Senior Directors' ratings are done by Vice-Presidents. The head of each Organization determines the rating for each employee within that Organization according to the rating system. This means that, ultimately, on information and belief, a small group of mostly male Vice-Presidents and other executives determine the ratings. On information and belief, employees were not informed when these calibration meetings would take place, so did not have an opportunity to advocate for themselves, nor remind Managers of accomplishments throughout the year. This meant the Managers went to the calibration meetings without hearing from the employees whether the feedback they were providing was correct and accurate. In my experience, in many cases, it was not.
- 15. The ratings are finalized before the end of the fiscal year, which is on May 31, because the ratings impact compensation. This means the ratings must be and are finalized before the final reviews of Nike Corporate employees in June.
- 16. On information and belief, female Corporate employees regularly got lower scores than their male peers despite having equal or better work performance. On information and belief, I received lower ratings than my male peers.

- 17. On information and belief, the rating system is a common policy and practice utilized by Nike to rate Nike Corporate employees. Women are routinely rated lower than similarly situated men, and this causes a disparate impact in pay and promotion, amongst other employment conditions, because the rating system has a direct, substantial impact on compensation and promotions.
- 18. In my two years as a Junior BSA, I received "Highly Successful" performance reviews and was promoted to Intermediate BSA. I only received a "Successful" rating in each of the following years despite performing well. In 2016, I met with my Director Justin Larsen and he said I was on track to receive a "Highly Successful" for 2016 due to my stretch role into Tableau Development as well as how I led the development project. During this conversation, Mr. Larsen gave me feedback about my attendance at a project meeting, which I was unable to attend due to competing priorities. I immediately fixed the issue based on his feedback. I was less able to fix his other feedback: to work on the "perception" that higher level Managers had of me. Despite having no other negative feedback, I did not receive a "Highly Successful" rating for 2016. When I was promised a "Highly Successful" rating for 2016, I also requested to be placed in additional stretch roles, which means that I was given further responsibilities on top of the responsibilities in my current position, which, I hoped, would help my next rating be higher and lead to a promotion in 2017. I performed well in stretch roles as a Tableau Developer and Product Owner. In 2017, during my CFE meeting, Mr. Larsen commented that I had performed well in my stretch role, and he informed me that he had turned in paperwork to Jon Bryant to promote me into the Product Owner role. However, I only received a "Successful" rating, did not receive an additional bonus for performing above my Intermediate BSA level, and I did not get a salary increase to match the Product Owner job duties. It is my understanding that, despite Mr. Larsen's promotion recommendation, I did not receive the promotion.

Compensation

- 19. Corporate employees' compensation is a result of, first, Nike's "Band" system, a specific range of salary or hourly pay and other compensation such as bonuses and stock options. There are six Bands, each identified by a letter that spells the word "VALUES." The S-Band is the highest level, and the L-Band and higher are salaried employees. The employees in the V-Band and A-Band are paid by the hour. Within each Band, there is a set range of potential compensation. On information and belief, the high-end of each Band overlaps with the low-end of the next highest Band. On information and belief, Managers were in either the U-Band or E-Band, Directors were in either the E-Band or S-Band, and Senior Directors were in the S-Band. Within the E-Band and S-Band, there are also sub-Bands.
- 20. Compensation within each Band is also affected by the ratings created during the performance evaluation process. The ratings are a critical component of the performance evaluation system because it, and not the written CFE, is used to determine annual salary or hourly raises, bonuses under the Performance Sharing Plan ("PSP"), and the amount, if any, of stock options awarded.

- 21. Each rating entitles employees receiving that rating to, for example, a percent increase in salary within a certain range. The higher the rating, the higher the range at both the low-end and high-end. For example, the range of potential pay increases is higher for employees who receive a "Highly Successful" rating than those who receive a "Successful" rating. Likewise, the "Highly Successful" employee is entitled to a higher range of annual bonus than the employee who receives a "Successful" rating. On information and belief, Nike determines a target percentage for bonus for each Band level, and the bonus is then increased or decreased based on the rating.
- 22. On information and belief, Corporate employees' senior Managers have discretion within certain parameters to determine the specific percent increase in annual pay, the annual bonus payment, and the amount of stock options awarded, if any. This discretion is cabined in several systematic ways, including, for example, the specific range tied to each rating. In addition, Nike provides the head of each Organization with a set pool of money to distribute among the employees in the Organization as pay increases and other compensation. Like the rating system, the set pool of money means, on information and belief, that not all employees in the Organization will get the largest percent increase for salary or bonus within the range tied to their rating. On information and belief, compared to similarly situated male Corporate employees who receive the same rating as female Corporate employees, women are awarded annual pay increases and bonuses that are on the lower end of the range assigned to the rating.
- 23. Stock options are also awarded annually along with pay increases and annual bonuses, but not all Corporate employees are awarded stock options. On information and belief, Corporate employees are not eligible to be awarded stock options unless they are at a certain Band and/or are paid at least a certain amount in salary. Because female Corporate employees are paid less than similarly situated male Corporate employees and receive smaller annual pay increases than similarly situated male Corporate employees, the threshold requirement for the award of stock options further compounds the gender discrimination caused by Nike's compensation and promotion policies and practices.
- 24. The compensation range tied to each rating is less value to women because female Corporate employees are in lower Band levels than their male peers and receive lower salary increases than their male peers. Male Corporate employees, by contrast, received larger percent increases to their larger salaries.
- 25. During Nike's recently-initiated internal review of gender discrimination issues, Nike recognized that it needs to change its compensation system.
- 26. On information and belief, Nike's compensation system also discriminates against female Corporate employees who qualify for Nike's severance plan benefit. Nike's standard severance plan determines the severance amount by looking at the number of years worked at Nike, the Band level, and compensation. Since Nike's compensation and promotion policies and practices had a disparate impact on female Corporate employees, female Corporate employees were again discriminated against when Nike paid the severance benefit.

- 27. Nike paid me less than similarly situated males with respect to salary and bonuses. When I was hired as an Account Service Representative, my annual salary was \$33,000. I tried to negotiate a higher salary when I was hired but Nike told me that it does not negotiate starting salary. However, about two months after I was hired, Nike hired a man into the same role on my Team and his starting annual salary was \$35,000. On information and belief, he did negotiate for a higher starting salary. He received a higher starting salary than me even though I had more relevant experience and higher-level credentials. His highest-level degree was from high school and his only work experience was selling Verizon at a kiosk in the mall. He had no idea how to do the job and I had to train him, but he was paid more than I was. I remained in the L-Band for the entire time I was a corporate employee at Nike even though Nike compensated the men who performed the same work as I did at higher U-Band levels.
- 28. On information and belief, compared to similarly situated male Corporate employees, female Corporate employees' starting salary was lower and they were in lower Band levels.

Promotions

- 29. The ratings also impact promotion decisions. On information and belief, for example, if an employee receives a rating below Successful, then the employee is automatically barred from applying to any internal openings.
- 30. Although I consistently met and exceeded my performance goals, have advanced degrees relevant to my work at Nike, and gained significant, relevant experience prior to Nike, I was never promoted to Senior or Lead BSA.
- 31. When I first started as a Junior BSA in August 2012, Nike hired two men as Junior BSAs, both straight out of college. After one year as Junior BSAs, the two men were promoted to Intermediate BSA and in another year, they were promoted to Senior BSA, which is a U-Band position.
- 32. My Manager at the time, Zubair Fazal, apologized that he was unable to promote me to the higher level with the two males in our department because of the calibration meetings during the first year. He said that the other Managers didn't know who I was and that there was a perception that performance was irrelevant if the person wasn't visible to all Managers in the department. He told me that, instead, he was able to secure me a Highly Successful rating. That year I had single handedly developed a datamining prototype (an application development task) and presented it at the IBM Information On Demand national conference. One of the VPs of analytics at IBM said it was one of the best presentations on the subject that he had seen, and he offered to provide a free server and two consultants to help our Team take the prototype into production if we presented it on the mainstage the following year. While my Senior Director decided to go in a different direction and not pursue IBM's offer, my Manager Mr. Fazal felt that my project was highly advanced and that I deserved to move to the next level.
- 33. I was promoted to Intermediate BSA after two and a half years but never beyond that level. I received this promotion "off cycle," at the mid-year review, rather than at the year-

end review as was typical. Mr. Larsen told me that the only way to promote me was to do it "off cycle" so the Manager could make the decision without requiring a calibration meeting that involved getting permission from all the other senior-level Managers.

- 34. I remained in the L-Band until I left in November 2017. For my work as Tableau Developer, I should have been promoted to Application Engineer, which I am informed and believe had an annual salary between \$85,000 and \$135,000, depending on Band level and experience. As a Product Owner, I should have been promoted to Lead or Senior BSA, which is in the U-Band and should have been similarly compensated. I was denied these promotions and was only making \$75,000 a year by the time I left in November 2017. Shortly after I left, Nike split my position into two roles, hired men into both of those roles, and put both men in the U-Band.
- 35. In 2016, Mr. Larsen agreed to put me in a "stretch role," meaning I performed additional Tableau-Developer and Product-Owner duties on top of my existing responsibilities. In 2017, he told me that he submitted the paperwork to make my stretch role permanent and to officially promote me to Product Owner. Mr. Larsen said the promotion paperwork was waiting on Jon Bryant's desk for his signature once he returned from sabbatical. However, I did not receive that promotion.
- 36. Shortly thereafter, Mr. Hartford, who replaced Mr. Larsen, told the Team that I led that our business partners gave glowing reviews of our work and that we were doing a great job. However, he told me that he wanted to hire someone else into the Product Owner role because I was not meeting his expectations, but he did not provide any specific reasons for not giving me the promotion. Mr. Hartford told me that he would support my efforts to pursue a role on a different Team and try to get promoted there, but I heard from a hiring Manager that I had interviewed with that Mr. Hartford was unwilling to answer questions or provide a recommendation for me.
- 37. On information and belief, although Nike has an approximately equal number of men and women in Corporate, the senior level positions at Nike Headquarters are overwhelmingly held by men. Only about 29% of Nike's Vice-Presidents are women. Only about 38% of Directors are women, and, on information and belief, the percentage of female Senior Directors is less than 38%. On information and belief, women make up significantly less than 50% of Corporate employees in the E-Band (2nd highest Band) or the S-Band (highest Band) and significantly more than 50% of the Corporate employees who are L-Band (4th highest Band) or U-Band (3rd highest Band).
- 38. Nike's current Vice-President of Human Resources ("HR") stated, in April 2018, that the makeup of Nike's Vice-Presidents "demonstrate[s] that we need to accelerate representation of women . . . at leadership levels within the company." Nike's current Vice-President of HR also recently wrote, "[w]hile we've spoken about this many times, and tried different ways to achieve change, we have failed to gain traction—and our hiring and promotion decisions are not changing senior-level representation as quickly as we have wanted."

39. As an employee, I observed that Nike Corporate employees who had a better connection or relationship with certain senior executives received higher compensation and more promotions than those Nike Corporate employees who lacked those connections or visibility. Working at Nike, I learned that "it's not what you know but who you know that will get you your next job or promotion."

Job Assignments

I also observed that women worked in roles that were disproportionately promoted less and, on information and belief, paid less than other roles. There are Junior BSAs in other Organizations and Teams, but female Junior BSAs were typically on Teams that had a higher percentage of women than other Teams. The Junior BSAs on Teams with more women typically were less visible to senior executives and were paid less than Teams with more men. For example, I was only interviewed for the Planning and Information Management Team, a reporting Team, even though my skills and experiences were better suited to the engineeringfocused Teams. There were two openings in the Supply Planning Application Engineering Team. However, I was not interviewed for those BSA positions despite my relevant supply chain experience and my experience as a subject matter expert using that application in the account services role at Nike. In contrast, male applicants were hired into the engineering or application-focused Teams, where, on information and belief, BSAs were paid more, had more visibility, and were promoted more often. One such Team was the Supply Planning Application Team, which of the approximately seven BSAs on that Team, there was only one woman and she had worked at Nike for 25 years. By contrast, my Team had about six BSAs and they were all women.

Nike's Awareness of the Discrimination and Nike's Culture and Retaliation

- 41. On information and belief, Nike's from 2007 through mid-2017, fostered a hostile work environment and was subject to numerous complaints of inappropriate workplace behavior. Nike conducted at least two internal investigations of for creating a hostile work environment. Numerous Nike employees have reported that they found Nike HR unhelpful and sometimes disrespectful. On or about April 28, 2018, Nike admitted that its HR department failed to consistently work well.
- 42. There was a survey of female corporate employees about gender discrimination within Nike. The results of this survey were shared with Nike's CEO on March 5, 2018. Within three weeks of receiving the results of this survey, the CEO announced that Trevor Edwards, the widely-recognized next CEO of Nike, was leaving Nike.
- 43. Nike has been conducting an internal review of gender discrimination since March 2018. During this review, Nike has announced that at least eleven senior level executives are leaving the company in addition to Mr. Edwards.
- 44. Approximately one year ago, Mr. Ayre sent an email to all Corporate employees stating that Nike was going to examine whether there was a pay disparity between men and women. Approximately one month after this email, Mr. Ayre sent another company-wide email

stating that Nike had reviewed whether there was gender discrimination at Nike, that any issues that had been identified were corrected, and that there were no remaining gender discrimination issues. However, his email did not provide any data or analysis supporting those assertions.

- 45. I felt very uncomfortable as a woman working at Nike on several occasions due to incidents of sexual harassment, which I experienced throughout my employment. For example, a male Director, , screamed at me in front of ten male employees for not completing an assignment that was not even my responsibility. I told Mr. Larsen about 's action, and his solution was to take me off the project, which had high visibility and would have helped my career. On a business trip in November 2012, a male coworker asked me if he could come to my room and when I refused he tried to get me to go back to his room. On another occasion, my Manager told me I should go to a golf tournament to network and gain visibility. There, a Senior Director, who I was told was the most important person to make an impression on, said to me and a few other high-level Managers who were in our golf group, that "A man who did not hit the ball past the women's pin should walk the hole with his genitals exposed." also gave me suggestions on several occasions about how I should style my hair and once was stroking my hair as he provided this unsolicited and unwelcome advice. Separately, a Senior Director displayed a photograph, visible to anyone who walked by, of a "team-building" event where a male Director appears to be whipping a female Director's behind.
- 46. After a company party in December 2015, I received messages from a coworker with inappropriate sexual propositions. I was shocked and asked him to apologize the next day, but he just responded that he meant what he said. The harasser, sent me naked photographs of himself and even though I asked him to stop, he continued to message me. I had to interact with him on a regular basis for my work. He held significant power over my position, directed much of my work in his consultant-type role, and contributed 50% of the feedback to my performance reviews. When I objected to his advances, he started to treat me poorly at work, including by blaming me for things and not giving me information that I needed to successfully complete my responsibilities. He refused to attend meetings that I called and significantly impacted my ability to perform my job duties.
- A7. In February 2016, I applied for other positions within different departments of Nike so that I did not have to work with to work with the source of Nike so that I did not have to work with the source of Nike so that I did not have to work with the source of Nike so that I did not have to work with the source of Nike so that I did not have to work with the source of Nike so that I did not support and attest to it on the application. My Manager and Director, Mr. Larsen and Mr. Hartford, respectively, forbade me from applying to additional positions external to the department and refused to give me permission to submit additional applications. They told me they would not support any applications outside of the department because they felt it would make them look bad, as if I was trying to "escape" the department. I told Mr. Larsen and Mr. Hartford why I was trying to transfer out of my Team, including the sexual harassment I was subjected to. Mr. Larsen said something along the lines of: "you and I both know that this company has a culture that revolves around alcohol. It's a very big and accepted part of working at this company. We keep beer at our desks. Sometimes people do really stupid things while drinking and I would suggest that if you have worked successfully with this person in the past that you let this go." He reiterated that drinking is an acceptable part of the Nike culture and that I had to accept it if I wanted to work here. He also

said something along the lines of: "the rise of the internet and cell phones have made communication easier, and drunk texts are part of this generation. More inappropriate conversations are happening, and we need to be less sensitive and recognize them for what they are," and "we should actually expect more inappropriate texts because they are so much easier to do nowadays."

- 48. After that discussion with Mr. Larsen and Mr. Hartford, a female coworker confided in me that the same harasser, sexually assaulted her at the same company party in December of 2015, pushing her against the wall, reaching his hand up her skirt, and attempting to kiss her. Another coworker pulled the harasser off her. I was told that there were several other witnesses, including several Directors, who did not say anything or stand up for the woman. I later witnessed, a different coworker, confront at his desk. She said something along the lines of: "You are lucky we are friends. Do not send me anything like that ever again. If you do I will be forced to take action." I understood this to mean she had also received inappropriate messages and/or pictures.
- In early 2016, I contacted Brittany Miller in HR because it was clear to me that Mr. Larsen and Mr. Hartford would not help me and that s behavior was not stopping, it impacted other women and was escalating. After I made the appointment to speak with Brittany, it was announced that the harasser was promoted into a Manager role that would require me to interact with him even more. Mr. Hartford estimated that 70 percent of my work would now go through the harasser and he would be a "dotted line" Manager of my work product. In his new role, he would be the only pipeline of communication and work assignments between the business and my Team. In effect, any position that I tried to move to within our department would have to interact with him and report to him in some manner. Because my superiors had made it impossible for me to move into a position in an external role, the harasser would always have a negative power dynamic over me and my career. HR told me it would conduct an investigation and take appropriate action. Mr. Larsen implemented a plan to find a new project for me to work on but said Nike was unable to address or in any way change the power dynamic. Eventually I would have to accept that working with in his role would be a condition of working within Nike and my department. HR told me the entire department would receive sexual harassment training and that all Managers in the department under Jon Bryant would receive additional training as part of standard operating procedure whenever any harassment is reported to HR. Despite promising to train Managers better on how to handle sexual harassment complaints, I am informed and believe that HR did not reach out to my Managers to provide training.

desk and asked to speak with the Vice-President of HR per the company policy and was directed to the Director of Employee Relations, Steven Dawson. He confirmed that he had the same power to take action and was the equivalent of the ultimate step in the company complaint and resolution policy. I met with him in May 2016.

- 51. Shortly after my sexual harassment complaints to Ms. Miller and Mr. Dawson in HR and discussions with Managers, Mr. Hartford and Mr. Larsen, I did not receive the "Highly Successful" rating that Mr. Larsen and Mr. Hartford had previously told me I was on track to earn when they confronted me about applying for other positions. I believe that I was denied the performance review rating previously promised to me, which directly impacted my bonus, in retaliation for my sexual harassment complaints.
- 52. Based on my experience, Nike provides more trainings on internet security than on sexual harassment. In the nearly ten years I worked at Nike, I cannot recall Nike ever providing sexual harassment training beyond the cursory training I received when initially hired. In addition, to my knowledge, male Nike employees who have been reported for sexual harassment, by me and other female Nike employees, are very rarely reprimanded, trained, or terminated for sexual harassment. was ultimately terminated, but only after several women had come forward over the course of many months with hard evidence of his harassing behavior.
- was dismissed, a person on his old Team named 53. was assigned to my group. He was a business partner with whom I had to interact and who provided feedback for my performance review. In a meeting with our Team, termination and appeared to have more knowledge about the referenced circumstances of my complaints and termination than what had been released to treated me horribly. He refused to meet with me; I would schedule the organization. a meeting with him, but he would just sit at his desk and ignore me. He talked extremely negatively towards me—so much so that one of my Team members filed a complaint with Justin Larsen saying that he felt uncomfortable that was clearly harassing me and preventing me from getting my job done. On information and belief, feedback and behavior directly impacted my performance review as a Product Owner and prevented my receiving a Highly Successful rating.
- 54. I resigned from Nike because I was paid less and received fewer promotions than male employees doing substantially similar work as well as because of the hostile work environment towards women and the failure of Nike's HR department to ensure a non-hostile work environment that provided equal opportunity. When I resigned, I requested a meeting with a senior Manager in HR. In that meeting, I told HR about the unequal and hostile treatment I was subjected to, and I requested that corrective actions be taken. I seek reinstatement upon the remediation of Nike's discriminatory systems for pay, promotion, and HR.

V. CLASS CLAIMS

55. It is my understanding and belief that Nike has engaged in a continuing pattern or practice of discrimination based on sex against female Corporate employees throughout the

United States with respect to performance evaluations, compensation, promotions, and other terms and conditions of employment at Nike.

- 56. Among other means, Nike: has implemented this pattern and practice of discrimination through a rating system that systematically underrates female Corporate employees as compared to their male peers, denies them fair compensation, denies them promotions, and increases the likelihood of termination. On information and belief, Nike also condones disparities in pay and promotion as well as retaliation against female employees who complain about discrimination.
- 57. Nike's performance review, compensation, and promotion systems have an adverse impact on female Corporate employees throughout the United States. On information and belief, although Nike has known about the adverse impact of their practices on women's compensation and promotional opportunities, Nike failed to take steps to address the adverse impact.

I swear under penalty of perjury that I have read the above charge and that it is true and correct to the best of my knowledge, information, and belief. This charge is not intended to be exhaustive, but representative of the treatment to which Nike has subjected me.

Date: 8.7.18

Sara Johnston

PAUL HASTINGS

1(213) 683-6120 feliciadavis@paulhastings.com

VIA SECURE FILE TRANSFER

98484.00003

November 23, 2020

Barry Goldstein (<u>bgoldstein@gbdhlegal.com</u>) Byron Goldstein (<u>brgoldstein@gbdhlegal.com</u>) James Kan (<u>jkan@gbdhlegal.com</u>) Goldstein, Borgen, Dardarian & Ho 300 Lakeside Dr., Suite 1000 Oakland, CA 94612

Re: Cahill et al. v. Nike, Inc., Case No. 3:18-cv-01477-JR – Production of Data Files with Employee Names and ID Numbers

Dear Counsel:

Pursuant to the Court's November 16, 2020 order, we are concurrently transmitting the following files via secure file transfer. All files were previously produced without employee and/or applicant names, and with anonymized IDs, with the exception of the Potential Appraisal and Segmentation files, which are new. These new files include employee and/or applicant name and ID data, as ordered by the Court.

This production is made subject to the Parties' Data Handling Agreement, Protective Order, and E-Discovery Order. The data is designated by Nike as "Attorneys' Eyes Only" and "Sensitive Confidential Data," and is subject to the rules set forth in the Parties' Protective Order and Data Handling Agreement.

- 1. Comp Change 2019 Equity Attorneys Eyes Only.txt
 - 7,196 records
- 2. Comp_Change_2019_Merit_ Attorneys_Eyes_Only.txt
 - 9,758 records
- 3. Comp_Change_2019_PSP_ Attorneys_Eyes_Only.txt
 - 10,400 records
- 4. Comp_Change_thru_20190531_ Attorneys_Eyes_Only.txt
 - 227,734 records
- 5. Pot_Appraisal_FY13_FY18_Attorneys_Eyes_Only.txt
 - 5,750 records
- 6. Segmentation_FY18_FY20_ Attorneys_Eyes_Only.txt
 - 4,094 records
- 7. Snapshots 201207 201909 Attorneys Eyes Only.txt
 - 726,359 records
- 8. Static_Table_20190831_ Attorneys_Eyes_Only.txt
 - 13,397 records
- 9. Taleo_Application_Data_2012_Attorneys_Eyes_Only.txt
 - 41.892 records
- 10. Taleo Application Data 2013 Attorneys Eyes Only.txt
 - 108,894 records

PAUL HASTINGS

November 23, 2020 Page 2

- 11. Taleo_Application_Data _2014_Attorneys_Eyes_Only.txt
 - 108,494 records
- 12. Taleo_Application_Data _2015_Attorneys_Eyes_Only.txt
 - 128,139 records
- 13. Taleo Application Data 2016 Attorneys Eyes Only.txt
 - 115,828 records
- 14. Taleo_Application_Data _2017_Attorneys_Eyes_Only.txt
 - 97,330 records
- 15. Taleo_Application_Data _2018_Attorneys_Eyes_Only.txt
 - 150,417 records
- 16. Taleo_Application_Data _2019_Attorneys_Eyes_Only.txt
 - 180,944 records
- 17. Taleo_Application_Data _2020_Attorneys_Eyes_Only.txt
 - 66,311 records
- 18. Taleo_Hires_Data_Attorneys_Eyes_Only.txt
 - 14,486 records
- 19. Taleo_Requisitions_Attorneys_Eyes_Only.txt
 - 18,103 records

Please note that the Segmentation data contains the "Risk of loss" and "Impact of loss" data you inquired about previously.

This data is highly confidential and sensitive. The passwords for the encrypted files will be sent separately. Please review the Parties' Data Handling Agreement to ensure that your handling of this data complies with your obligations therein.

Sincerely,

/s/ Felicia A. Davis

Felicia A. Davis of Paul Hastings LLP